

भारत का राजपत्र **The Gazette of India**

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 8] नई दिल्ली, शनिवार, फरवरी 22, 1969/फाल्गुन 3, 1890

No. 8] NEW DELHI, SATURDAY, FEBRUARY 22, 1969/PHALGUNA 3, 1890

इस भाग में भिन्न-भिन्न संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नोबे लिडे भारत के असाधारण राजपत्र 7 फरवरी, 1969 तक प्रकाशित किये गये :—

The under mentioned Gazettes of India Extraordinary were published up to the 7th February 1969:—

Issue No.	No. and date	Issued by	Subject
40	S. O. 459, dated 3rd February 1969.	Ministry of Commerce.	Quality Control and pre-shipment Inspection of DW flour jute cloth.
	S.O. 460, dated 3rd February 1969.	Do.	Recognition of the Indian Standards Institution Certification Mark with respect to the DW flour jute cloth.
	S.O. 461, dated 3rd February 1969.	Do.	Quality Control and Pre-shipment Inspection of DW-flour bags.
	S. O. 462, dated 3rd February 1969.	Do.	Recognition of the Indian Standards Institution Certification Mark with respect to the DW-flour bags.
	S. O. 463, dated 3rd February 1969.	Do.	Quality Control and Pre-shipment inspection of jute bagging for wrapping cotton bales.
	S. O. 464, dated 3rd February, 1969.	Do.	Recognition of the Indian Standards Institution Certification Mark with respect to jute bagging for wrapping cotton bales.

Issue No.	No. and date	Issued by	Subject
41	S. O. 465, dated 3rd February, 1969.	Ministry of Home Affairs.	Modifications in the Sikh Board as constituted under the Sikh Gurdwaras Act, 1925 (Punjab Act, of 1925).
42	S. O. 555, dated 4th February, 1969.	Ministry of Labour, Employment and Rehabilitation.	Prohibition of the continuance of the strike by the workers of Messrs Calcutta Licensed Measurers, Calcutta.
43	S.O. 556, dated 4th February, 1969.	Ministry of Information and Broadcasting.	Approval of the films as specified in the Schedule therein.
44	S. O. 557, dated 5th February, 1969.	Ministry of Commerce.	Amendment to notification No. S. O. 2842, dated 23rd September, 1966 read with S. O. 3232, dated 11th September, 1967.
45	S. O. 558, dated 5th February, 1969.	Ministry of Finance.	The Capital Issues (Exemption) Order, 1969.
	S. O. 559, dated 5th February, 1969.	Do.	The rate of dividend on preference shares and the rate of interest on debentures, bonds, etc.
	S. O. 560, dated 5th February, 1969.	Do.]	Offer of securities of a nominal value.
46	एच० ओ० 561 दिनांक 5 फरवरी, 1969	सूचना और प्रसारण मंत्रालय	अनुसूची में दी गई फिल्मों की स्वीकृति देना।
47	S. O. 562, dated 7th February, 1969.	Ministry of Labour, Employment & Rehabilitation.	Exempting the Govt. of India Press, Minto Road, New Delhi from the provisions of sections 51, 52, 54 sub-section (1) of section 55, section 56 and section 58 of the Factories Act, 1948 (63 of 1948) for a period of three months from the 7th day of February, 1969.
48	S. O. 563, dated 7th February, 1969.	Ministry of Commerce.	Further amendments to the Exports (Control) Order, 1968.

ऊपर लिखे प्रसाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गए विधिवत आदेश और अधिवृत्तनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 11th February 1969

S.O. 626.—In pursuance of clause (b) of sub-section (2) of section 116 C of the Representation of the People Act, 1951, the Election Commission hereby publishes for general information the Judgment of the Supreme Court of India, delivered on the 7th January, 1969 in Civil Appeal No. 1438 of 1968 filed by Shri Manubhai Nandlal Amersy against the Judgment and Order dated the 22nd/23rd April, 1968 of the High Court of Gujarat at Ahmedabad, in Election Petition No. 22 of 1967.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 1438 OF 1968

Banubhai Nandlal Amersy.—*Appellant?*

Versus

Banubhai Nandlal Amersy.—*Appellant?*

JUDGMENT

BACHAWAT, J.—This appeal is directed against a judgment of a single judge of the Gujarat High Court setting aside the election of the appellant from the Banaskantha Parliamentary constituency. At the last general election to the Lok Sabha from the Banaskantha constituency in Gujarat there were three contesting candidates. The appellant, the Swatantra party candidate, secured 1,10,028 votes. Respondent No. 2, the Congress party candidate secured 1,05,621 votes. Respondent No. 3, an independent candidate secured 14,265 votes. The appellant was declared elected.

The election petition was filed by respondent No. 1, an elector in the constituency. Respondent No. 1 alleged a number of corrupt practices on the part of the appellant or his election agents, but at the trial, he pressed only the charge of corrupt practice under s. 123(2) proviso (a) (ii) of the Representation of the People Act, 1951. In the petition the charge was that several persons with the consent of the appellant or his election agents induced or attempted to induce the electors to believe that if they voted for the Congress party candidate they would become the objects of divine displeasure and spiritual censure. In the particulars of this charge it was alleged that in the public meetings held at Amir-gadh, Ikbalgadh, Wav, Laxmipura, Tharad, Bhabhar and other places one Shambhu Maharaj told the electors that if they voted for the Congress candidate they would commit the sin of cow slaughter and urged them in the name of mother cow to take a vow not to vote for the Congress candidate with the result that several members of the audience publicly took the vow.

At a late stage of the trial on March 7, 1968, the High Court gave leave to respondent, No. 1 to amend the petition by adding fresh particulars of the corrupt practice. The substance of the new charge was that at those meetings Shambhu Maharaj induced or attempted to induce the electors to believe that their religious head Jagadguru Shankracharya had commanded them not to vote for the Congress and that contravention of his command would be a sin and would be visited with spiritual censure and divine displeasure. The High Court found that the aforesaid corrupt practice was committed by

Shambhu Maharaj with the consent of one Punambhai, the election agent of the appellant, and declared the appellant's election to be void.

The appellant challenges the legality of the order passed by the High Court on 7th March, 1968 allowing the amendment. The election petition was filed on April 10, 1967. The appellant filed his written statement on June 1, on September 9, the High Court gave leave to respondent No. 1 to amend the petition, by adding the charge that certain persons were threatened that they would commit the sins of go-hatya, Bramha-hatya and Sadhu-hatya, if they worked for the congress candidate. The order disallowed amendments seeking to introduce charges of appeal to voters in the name of religion under s. 123 (3). The appellant filed his additional written statement on October 19. Issues were framed on November 30. Respondent No. 1 filed his list of witnesses on January 11, 1968. On February 21, the trial started and P.W. 1, P.W. 2, P.W. 3 and P.W. 4 were examined. P.W. 4, Ram Swarup was a witness with regard to the meeting at Amir-gadh. The issues were amended on March 1, so as to make it clear that there was no charge of any corrupt practice under s. 123 (3). On the same date, respondent No. 1 was examined as P.W. 5. On March 2, P.W. 6, P.W. 7, P.W. 8 and P.W. 9 were examined. P.W. 7 and P.W. 8 spoke about the meetings at Palanpur and Bhabhar. P.W. 9 Bhogilal spoke about the meeting at Ikbalgadh. On March 4, P.W. 10 and P.W. 11 were examined and spoke about the meetings at Wav and Laxmipura. On the same day, P.W. 12, S. P. Pandya, a sub-inspector of police at Palanpur, and P.W. 13, C. B. Barot, a shorthand writer were examined. The examination of Barot was concluded on March 6. Barot proved that he took short-hand notes of the speeches of Shambhu Maharaj at Ikbalgadh, Amirgadh, Bhabhar, Laxmipura, Wav and Tharad and sent reports of the speeches to S. P. Pandya. On March 6, P.W. 14 and P.W. 15 were examined. On March 5, respondent No. 1 filed an application for leave to amend the petition by adding portions of the speeches which referred to the command of Shankracharya not to vote for the congress and the consequences of not obeying the command. The application was allowed on March 7, 1968. The trial was then adjourned and started again on April 8. Between April 8 and April 15, P.W. 17, P.W. 18, D.W. 1 and D.W. 2 were examined. The judgment was delivered on April 22 and 23.

The first question is whether the trial judge should have allowed the amendment. Section 83 (1) (b) provides that "An election petition shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice". The section is mandatory. Where a corrupt practice is charged against the returned candidate the election petition must set forth full particulars of the corrupt practice so as to give the charge a definite character and to enable the court to understand what the charge is. The charge must be substantially proved as fact and evidence cannot be allowed to be given in respect of a charge not disclosed in the particulars. On a charge of telling the electors that by giving their vote to the Congress candidate, they would commit sin of go-hatya, evidence cannot be led to prove charge of telling them that they would commit sin of Bramha hatya or the sin of disobeying the command of their religious leader. Section 86(5) allows amendment of the particulars. It provides that "the High Court may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition." In *Harish Chandra Bajpai v. Triloki Singh* the Court held⁽¹⁾ that though under the English law the petitioner was not obliged to give the particulars of the corrupt practice in his petition the difference was a matter of form and not of substance and that under s. 83(3) as it stood before 1955 the Court could allow an amendment introducing fresh instances of the corrupt practice alleged in the petition. Referring to the English practice the Court observed at page 382: "it is sufficient if the particulars are ordered to be furnished within a reasonable time before the commencement of the trial." Section 83 (3) has been repealed and is now replaced by s. 86 (5) which forbids any amendment introducing particulars of a corrupt practice not previously alleged in the petition. Assuming that the amendment of March 7, 1967 was permissible under s. 86 (5), the question is whether the High Court rightly allowed it. Normally an application for amendment under s. 86(5) should be made within a reasonable time before the commencement of the trial. The Court has power to allow an amendment even after the commencement of the trial, but as a rule leave to amend at a late stage should be given in exceptional cases where the petitioner could not with reasonable diligence have discovered the new facts earlier. Leave to amend will not be given if the petitioner is not acting in good faith or has kept back the facts known to him before the trial started.

(1) 1957 SCR. 371.

According to respondent No. 1 Shambhu Maharaj committed corrupt practice at election meetings held at Ikbalgadh where P.W. 9 was present, Amirgadh where P.W. 4 was present and at Wav where one Chotaji Bhattji was present and that he came to know of the corrupt practices from those persons. All the meetings are referred to in the election petition. If Shambhu Maharaj had told the electors that Sri Shankracharya had commanded them not to vote for the congress candidate and that disobedience of his command would be sinful, P.W. 4 and Chotaji Bhattji must have informed respondent No. 1 of this corrupt practice before April 10, 1967 when the election petition was filed. No explanation is given as to why respondent No. 1 withheld this information in the petition. Respondent No. 1 now says that on April 17, 1967 he applied for certified copies of the reports of C. B. Barot to the Deputy Inspector-General of Police, C.I.D., Ahmedabad but the application was rejected on May 14, 1967. Assuming that he could not get certified copies of the reports, he could set forth in the petition the substance of the charge with regard to the command of Sri Shankracharya from the information supplied by his informants. He knew of the reports of C. B. Barot before April 17, 1967. Immediately after filing the election petition he could subpoena the reports and under orders of the Court he could inspect them long before the trial started. He was aware that the charge of telling the electors that they would commit the sin of gohatya was quite different from the charge of telling them that they would commit the sin of Brahma hatya or the sin of disobeying the command of their religious leader Shri Shankracharya. On September 25, 1967, he obtained an order giving him leave to amend the petition by adding the charge with regard to the sins of Brahma hatya and Sadhu hatya, but he deliberately refrained from adding the charge with regard to the sin of disobeying the command of Sri Shankracharya. The trial commenced on February 29, 1968. On that date P.W. 4 said that at the Amirgadh meeting Shambu Maharaj told the electors that he had brought a mandate from Jagadguru Shankracharya. On an objection being raised by the appellant's counsel Mr. Mehta, counsel for respondent No. 1, agreed that the statement of P.W. 4 would not be treated as part of the evidence on the record. Thereafter the trial proceeded and 11 more witnesses were examined on the footing that respondent No. 1 would not rely on the charge with regard to the command of Jagadguru Shankracharya. On that footing the appellant's counsel adopted a definite line of cross-examination. On March 4, he consented to the marking of the full reports of the speeches of Shambhu Maharaj as exhibits and on March 5, he extracted an admission from Barot that the witness had taken *verbatim* notes of the speeches of Shambhu Maharaj. Counsel adopted this line of cross-examination because he took the stand that the speeches did not prove the corrupt practice alleged in the petition. The application for amendment was filed on March 5 and was allowed on March 7. The order allowing the amendment has resulted in manifest injustice to the appellant. His counsel could not thereafter take the stand that the reports had been fabricated at the instance of the congress party. Respondent No. 1 moved the application for amendment in bad faith at a very late stage of the trial. He deliberately refrained from taking the new charge earlier.

Under s. 116A an appeal lies to this Court on any question whether of law or fact from the order of the High Court. The procedure in appeal is regulated by s. 116C. All the provisions of the Code of Civil Procedure including s. 105 apply to the appeal, and any error in an order of the trial court affecting the decision of the case may be taken as a ground of objection in the appeal. In an appeal under s. 116A the whole case is within the jurisdiction of this Court. Normally the Court does not interfere with the Judge's discretion in granting amendments except on grounds of law but where, as in this case, the order has resulted in manifest injustice, the Court has the power and the duty to correct the error. In *Evans v. Bartlam*(2) Lord Atkin observed:—

"Appellate jurisdiction is always statutory; there is in the statute no restriction upon the jurisdiction of the court of appeal; and while the appellate court in the exercise of its appellate power is no doubt entirely justified in saying that normally it will not interfere with the exercise of the judge's discretion except on grounds of law, yet if it sees that on other grounds the decision will result in injustice being done it has both the power and the duty to remedy it."

We, therefore, hold that the order of the trial judge allowing the amendment was erroneous and must be set aside.

Respondent No. 1 proved six speeches of Shambhu Maharaj. He did not rely in the trial court on the speeches at Laxmipura, Bhabhar and Tharad. Mr. Gokhale stated that he did not rely on these speeches for any purpose whatsoever. Accordingly, those speeches were not read in this Court. There is no charge against the appellant on the ground of appeal to the electors on the ground of religion. The only charge against him is that in his speeches at Ikbalgadh, Amirgadh and Wav, Shambhu Maharaj with the consent of his election agent Punambhai told the electors that "if they voted for the congress

party candidates the voters would commit the sin of cow slaughter (*gaumata vadh*). Respondent No. 1 has not proved the charge that the electors were urged in the name of mother cow to take a vow not to vote for the congress party candidates, with the result that several members of the audience publicly took the vow. The Ikbalgadh speech (Ex. B1) and the Amirgadh speech (Ex. B3) were delivered on February 8, 1967. The Wav speech (Ex. B4) was delivered on February 9, 1967. There was then an acute political controversy with regard to the total ban on cow slaughter. Section 5(1) of the Bombay Animal Preservation Act, 1954 (Bombay Act No. LXXII of 1954) as amended by Gujarat Act No. XVI of 1961, there was a total ban on cow slaughter in Gujarat. But there was no absolute ban on cow slaughter in several other States. The Swatantra party was agitating for a total ban on cow slaughter throughout India. Public criticism of the congress party for not abolishing cow slaughter throughout the country was permissible and legitimate. But the criticism ceases to be legitimate if the speaker commits the corrupt practice of undue influence under s. 123(2), that is, if he interferes or attempts to interfere with the free exercise of electoral right. Under s. 123(2) proviso (a) cl. (ii) there is such undue influence if any person with the consent of the candidate or his election agent "induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure." The actual effect of the speech is not material. Corrupt practice is committed if the speech is calculated to interfere with the free exercise of electoral right and to leave no choice to the electors in the matter: see *Ram Dial v. Sant Lal and others*.

In considering the speeches the status of the speaker and the character of the audience are relevant considerations. Shambhu Maharaj was a kirtankar of repute and well known and respected for his lectures on Hindu religion. The audience consisted mostly of illiterate and orthodox Hindus of the rural areas, adivasis and rabaris belonging to the scheduled tribes and scheduled castes. In this background, let us now consider the speeches. Respondent No. 1 charges corrupt practice in respect of 4 passages in the Ikbalgadh speech (Ex. B1), 6 passages in the Wav speech (Ex. B4) and 3 passages in the Amirgadh speech (Ex. B3). The learned trial judge found that the corrupt practice was committed by 1st and 2nd passages in Ex. B1, the 1st, 2nd and 3rd and 6th passages in Ex. B4 and the 1st passage in Ex. B3.

But the learned judge held that 3rd and 4th passages in Ex. B1 and the 4th and 5th passages in Ex. B4 amounted to corrupt practice as the electors were told that Sri Shankracharya had commanded them not to vote for the congress and that if they disobeyed his command they would incur divine displeasure and spiritual censure. We have disallowed the amendment introducing this charge and we must therefore set aside the finding of the learned judge with regard to those passages. We find that the passages do not show any corrupt practice as alleged in the petition.

In the 2nd passage in the Amirgadh speech (Ex. B3) the speaker referred to the ban on cow slaughter in Pakistan, Afghanistan and Madhya Pradesh and said that the swatantra party had promised to ban slaughter of cow progen and exemption of land revenue. He also said: "Sun rises and twenty-two thousand cows are slaughtered . . . In Ahmedabad there is a prohibition on cow slaughter but the slaughtering of calf and ox is continued. The earth took the form of a cow and if the said "*Gaumata*" or ox is slaughtered how can earth be satisfied and so long as the earth is not satisfied how can there be fertility in the earth." In the third passage (Ex. B3), the speaker said:—

"In the year 1942 sixteen lacs and in 1946 twenty-four lacs and in 1947 after India became separate and at present about 1 crore cows are slaughtered. You say whether to vote for congress is to become partner in sin or any thing else. If you give cooperation for good cause you may get good fruit and if you cooperate in committing a sin you become a partner of sin. Why you become a partner of sin by giving votes to congress?"

He then referred to the command of Sri Shankracharya that the electors should not vote for the congress party. But even apart from the command of Sri Shankracharya the electors are distinctly told that though there was a ban on cow slaughter in Ahmedabad, the congress was permitting the slaughter of crores of cows elsewhere in India and was committing the sin of *gothava* and those who vote for the congress would be partners in the sin. The dominant theme of the speech was that those who commit the sin of *gothava* would be visited with divine displeasure. Having regard to the character of the

audience, the speech was calculated to interfere with the free exercise of electoral right. In *Narbada Prasad v. Chagan Lal and Ors.*(*) Hidayatullah C.J., observed:—

"It is not necessary to enlarge upon the fact that cow is venerated in our country by the vast majority of the people and that they believe not only in its utility but its holiness. It is also believed that one of the cardinal sins is that of *gohatya*. Therefore, it is quite obvious that to remind the voters that they would be committing the sin of *gohatya* would be to remind them that they would be objects of divine displeasure or spiritual censure."

In *Encyclopaedia of Religion and Ethics*, edited by James Hastings, vol. 4, pp. 225, 226, it is stated:—

"A well known verse (Mahabharata, xiii.73.4) says: "All that kill cat and permit the slaughter of cows, rot in hell for as many years as there are hairs on the body of the cow so slain."

* * * *

"Reverence for the cow has not diminished in modern times. It is well known that the Hindus of the present day are filled with horror at the slaughter of the cow, which is therefore prohibited in native States under treaties with the English."

According to B. N. Mehta's *Modern Gujarati-English Dictionary*, vol. 1, page 480, *gohatya* (go, a cow + hatya, killing) means in Gujarat "slaughter of a cow; killing a cow, being one of the five great sins according to Hindu scriptures which can be atoned for only with capital punishment."

Accordingly, the offending passages in the Amirgadh speech fell within s. 123(2) proviso (a)(ii). We are satisfied that Shambhu Maharaj spoke at the Amirgadh meeting with the consent of Punambhai, the election agent of the appellant. Punambhai was present at the Amirgadh meeting. He addressed the meeting before Shambhu Maharaj spoke. Shambhu Maharaj addressed several other election meetings of the Swatantra party. Punambhai issued a pamphlet calling one of the meetings. P.W.10 proved that he was asked by Punambhai to call Shambhu Maharaj for addressing another meeting as the voters were uneducated and had deep belief in religion. Punambhai accompanied Shambhu Maharaj from one place to another. On February 8, 1967 he went with Shambhu Maharaj to the meeting at Ikbalgadh and thereafter went to Amirgadh. On February 9, he went with Shambhu Maharaj to the meeting at Wav. The offending passages of the speech at the Amirgadh meeting are integral parts of the dominant theme of the sin of cow slaughter. They cannot be regarded as stray words spoken by Shambhu Maharaj without Punambhai's consent. Punambhai did not raise any objection to the impugned speeches at the meeting. He gave evidence in Court but did not say that he was not a consenting party to the offending passages. We hold that the corrupt practice under s. 123(2) proviso (a)(ii) was committed at the Amirgadh meeting on February 8, 1967 with the consent of the election agent of the appellant.

In the result, the appeal is dismissed. There will be no order as to costs.

(Sd.) S. M. SIKRI J.

(Sd.) R. S. BACHAWAT J.

January 7, 1969.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLANT JURISDICTION

CIVIL APPEAL NO. 1438 OF 1968

Manubhai Nandlal Amersey—Appellant.

Vs.

Popatlal Manilal Joshi and ors—Respondents.

JUDGMENT

HEGDE J.—I have had the advantage of reading the judgment just now read out by Bachwant J. I agree that the appeal should be dismissed. But I am unable to agree that the amendment complained of was not properly allowed. The learned trial judge has given

(*) C.A. No. 2 (NCE) of decd. on 30-7-1968.

good reasons in support of his order. In my opinion no case is made out to interfere with that order. I am also of the opinion that each and every one of the speeches made by Shambhu Maharaj which are the subject matter of this appeal, read as a whole as we should do, fall within the vice of proviso a (ii) of s. 123(2) of the Representation of the People Act, 1951. Nothing so bad as those speeches I have come across in election cases. They are fanatical outpourings and a direct challenge to the concept of a secular democracy.

Dated 7th January, 1969

K. S. HEDGE, J

[No. F. 82/22/67(GJ).]

By Order,

K. S. RAJAGOPALAN, Secy.

ERRATUM

In the Election Commission of India Notification No. 82/6/BY/67, dated 17th July, 1968, published as S.O. 3981 in the Gazette of India, Part II, section 3, sub-section (ii), dated 16th November, 1968 on page 5063 below the words "Election Petition No. 8 of 1967", the words "Samant Nilkanth Balkrishna—Petitioner" should be added.

MINISTRY OF HOME AFFAIRS

New Delhi, the 12th February 1969

S.O. 627.—In exercise of the powers conferred by section 17 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby authorises the Commissioner of Division for Cachar and Mizo Districts, Silchar, to exercise powers to sanction prosecution in respect of the offence punishable under sections 10 and 43 of the said Act, committed by any member of the Mizo National Front which has been declared as an unlawful association under sub-section (1) of section 3 of the said Act by the notification of the Government of India in the Ministry of Home Affairs No. S.O. 311 dated the 16th January, 1968.

[No. 3/25/68-Poll(K).]

S. S. VERMA, Dy. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 13th February 1969

S.O. 628.—In exercise of the powers conferred upon it by clause (c) of section 10 of the Agricultural Refinance Corporation Act, 1963 (10 of 1963), the Central Government hereby appoints Shri M. A. Quraishi, I.C.S., Additional Secretary, Ministry of Food, Agriculture, Community Development and Cooperation (Departments of Agriculture and Cooperation), as a director of the Agricultural Refinance Corporation *vice* Shri P. P. I. Vaidyanathan.

[No. F.14/6/69-SB.]

D. N. GHOSH, Dy. Secy.

(Department of Economic Affairs)

(Office of the Controller of Capital Issues)

New Delhi, the 24th January 1969

S.O. 629.—In exercise of the powers conferred by sub-section (1), Section 6 of the Capital Issues (Control) Act, (29 of 1927) the Central Government hereby exempts the

Industrial Credit and Investment Corporation of India, Limited, from the provisions of Sections 3 and 5 of the said Act, in respect of issue of Promissory Notes of the value not exceeding D.M. 5,000,000 (Five Million Deutsche Marks) to be made by the said Corporation to Kreditanstalt für Wiederaufbau of the Federal Republic of Germany in terms of the Loan Agreement, dated the 30th September, 1968, entered into between the said two parties.

[No. R.10-CCI/69.]

M. K. VENKATACHALAM,
CONTROLLER OF CAPITAL ISSUES.

(Department of Revenue & Insurance)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 6th February 1969

S.O. 630.—Consequent on their transfers the powers conferred on the following officers by the Ministry of Finance (Department of Revenue) Notifications noted against each, are hereby withdrawn with effect from the date shown against their names:—

S. No.	Name of the officer	Notification No. and date	Date from which powers are withdrawn
1	Sh. S. N. Sastri, A.R., I.T.A.T., Madras	No. 274-I.T. Estts., dated 15-10-65.	7-9-68 (A.N.)
2	Sh. B. Abraham, A.R., B-Bench, I.T.A.T., Madras.	No. 288-I.T. Estts. dated 31-8-67.	11-12-68 (A.N.)

[NO. 62/F.NO.57/20/68—Ad.VI]

S.O. 631.—In pursuance of clause (b) of Sub rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint the undermentioned officers as Authorised Representative/Junior Authorised Representative, Income-tax Appellate Tribunal with effect from the date noted against them to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal:—

Sl. No.	Name of the officer	Appointed as	Date of appointment
1	Sh. A.K.R. Prabhu, IAC of IT, Coimbatore.	AR, ITAT, Madras	3-11-68(F.N.)
2	Sh. George Cherian, AAC of IT, Hyderabad.	AR, ITAT, Madras	11-12-68 (A.N.)
3	Sh. S.Y. Gupta, IAC of IT, Ahmedabad	AR, ITAT, Ahmedabad	4-11-68 (F.N.)
4	Sh. K. N. Anantharama Ayyar, AAC of IT, Trichur.	AR, ITAT, Cochin	11-10-68 (A.N.)
5	Sh. B.A. Shariff, IAC of IT, Bangalore	AR, ITAT, Bangalore	29-10-68 (F.N.)
6	Sh. A. Chaudhuri, IAC, of IT, Calcutta	AR, ITAT, Calcutta	13-12-68 (F.N.)
7	Sh. M.P. Rajappan, ITO, Class II, Kerala charge.	JAR, ITAT, Calcutta	25-11-68 (F.N.)
8	Sh. S. K. Roy, ITO, Class II, West Bengal charge.	JR, ITAT, Calcutta	13-12-68 (F.N.)
9	Sh. J. G. Gopinath, ITO, Class II, Madras charge.	JAR, ITAT, Bangalore.	1-12-68 (F.N.)

[No. 63/F. No. 57/20/68-Ad.VI.]

M. G. THOMAS, Under Secy.

(Department of Revenue and Insurance)**STAMPS.***New Delhi, the 22nd February 1969*

S.O. 632.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the *ad-hoc* bonds to the value of sixty seven lakhs of rupees to be issued by the Mysore Financial Corporation are chargeable under the said Act.

[No. 2/69-Stamps/F. No. 1/6/69-Cus.VII.]

M. S. SUBRAMANYAM, Under Secy.

(Department of Revenue & Insurance)**CORRIGENDA****INCOME-TAX***New Delhi, the 5th February 1969*

S.O. 633.—In the notification of the Government of India in the Ministry of Finance (Department of Revenue and Insurance) No. S.O. 395 dated the 22nd January, 1968 published in the Gazette of India dated 3rd February, 1968, at page 413, the existing entry against serial No. 49 under Schedule II to the said Notification may be deleted and the remaining entries re-numbered 49 to 76 in that Schedule.

[No. 58/85/67-IT(Inv.).]

S.O. 634.—In the notification of the Government of India in the Ministry of Finance (Department of Revenue and Insurance) No. S.O. 35 dated the 10th December, 1968 published at page 33 of the Gazette of India dated the 4th January, 1969, for the figures 82 occurring in that corrigendum, read 81.

[No. 58/90/67-IT(Inv.).]

E. K. LYALL, Dy. Secy.

**OFFICE OF THE COLLECTOR OF CENTRAL EXCISE,
HYDERABAD, DECCAN****CENTRAL EXCISES***Hyderabad, the 8th January 1969*

S.O. 635.—In exercise of the powers conferred on me by Rule 5 of the Central Excise Rules, 1944, I hereby authorise officers not below the rank of Assistant Collector of Central Excise in the Central Excise Collectorate, Hyderabad to exercise the powers of Collector under sub-rule (4) of rule 56A.

[No. 1/69.]

M. L. ROUTH, Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE & CUSTOMS, PATNA**CENTRAL EXCISES***Patna, the 9th January 1969*

S.O. 636.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944 and in supersession of this office Notification No. 3/CX/68 dated 18-5-68 as amended *vide* notification No. 5/CX/68 dated 12-9-68, I hereby empower the officers of the Central Excise Collectorate, Patna not below the rank specified in Col. 4 of the Table to exercise within their respective jurisdiction the powers of Collector under Rule mentioned in col. No. 3 in the said table.

TABLE

Sl. No.	Name of power	Rule No.	Rank of officers to whom delegated
1	2	3	4
1	Power to authorise removal on document other than gate pass in the statutory form.	Rule 52-A	A.C.
2	Power to exempt the assessee working under Self Removal procedure from maintaining a daily stock account in form RG-I if the assessee maintain a satisfactory private account from which all information as required in R.G.I can be readily obtained.	Rule 53 read with Rule 173G(4).	A.C.

[No. 1/CX/69.]

TILAK RAJ, Collector.

MINISTRY OF COMMERCE

New Delhi, the 10th February 1969

S.O. 637.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Forward Markets Commission Class III Recruitment Rules, 1958, issued with the Notification of the Government of India in the late Ministry of Commerce and Industry S.O. No. 488, dated the 2nd April, 1958, namely:

1. (1) These Rules may be called the Forward Markets Commission Class III (Recruitment) Amendment Rules, 1968.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Forward Markets Commission Class III Recruitment Rules, 1958, in Serial No. 1, under column (ii), for the existing entry, the following entry shall be substituted, namely:—

- "1. Librarian with 2 years service in the grade.
2. Upper Division Clerks with 5 years of service in the grade.
3. Computers with 7 years service in the grade.
4. Comptist with 7 years service in the grade.

NOTE—*Inter se* seniority of the persons belonging to the grades of Librarian, Upper Division Clerk, Computer and Comptist shall be determined with reference to the date of appointment to the respective grade. Where the date of appointment is the same, the *inter se* seniority will be in the order indicated below:—

1. Librarian.
2. Upper Division Clerk.
3. Computer.
4. Comptist".

[No. F.38(6)-CG/67.]

S.O. 638.—In exercise of the powers conferred by section 27 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby exempts from the operation of section 15 of the said Act all non-transferable specific delivery contracts for the sale or purchase of Indian Cotton (full pressed, half pressed or loose) entered into in the whole of India, except Greater Bombay as defined in the Bombay General Clauses Act, 1904 (Bombay Act I of 1904), which provides for delivery during a month not later than the sixth month following the month during which the contract has been entered into.

[No. F.10(7)-CG/68.]

S.O. 639.—Whereas the Central Government is of the opinion that in the interest of the trade and in the public interest, it is expedient to regulate and control non-transferable specific delivery contracts in Indian cotton, (full pressed, half pressed or loose) in the whole of India except Greater Bombay;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section (18) of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby declares that sections 5 to 15 of the said Act shall apply to non-transferable specific delivery contracts in Indian Cotton (full pressed, half pressed or loose) in the whole of India, except Greater Bombay as defined in the Bombay General Clauses Act, 1904 (Bombay Act I of 1904).

[No. F.10(7)-CG/68.]

SURENDRA SINGH, Dy. Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 10 फरवरी, 1969

का० आ० 640.—संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति, वायदा बाजार आयोग वर्ग 3 भर्ती नियम, 1958 में, जो भारत सरकार के भूतपूर्व वाणिज्य एवं उद्योग मंत्रालय की अधिसूचना सं० का० आ० 488, तारीख 2 अप्रैल, 1958 के साथ जारी किए गए हैं, अतिरिक्त संशोधन करने के लिए एतद्द्वारा निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) ये नियम वायदा बाजार आयोग वर्ग 3 (भर्ती) संशोधन नियम, 1968 कहे जा सकेंगे ।
- (2) ये आसकीय राजपत्र में अपने प्रकाशन की तारीख को प्रवृत्त हो जाएंगे ।
2. वायदा बाजार आयोग वर्ग 3 भर्ती नियम, 1958 की अनुसूची में, क्रम सं० 1 में, स्तम्भ 11 के नीचे विद्यमान प्रविष्टि के लिए निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् :—]
 - “1. पुस्तकाध्यक्ष, जो इस श्रेणी में 2 वर्ष सेवा कर चुका हो ।
 2. उच्च श्रेणी लिपिक, जो इस श्रेणी में 5 वर्ष सेवा कर चुके हों ।
 3. संगणक, जो इस श्रेणी में 7 वर्ष सेवा कर चुके हों ।
 4. परिकलन यंत्र प्रचालक, जो इस श्रेणी में 7 वर्ष सेवा कर चुका हो ।

नोट:—पुस्तकाध्यक्ष, उच्च श्रेणी लिपिक, संगणक और परिकलन यंत्र प्रचालक की श्रेणियों के व्यक्तियों की पारस्परिक ज्येष्ठता उनकी अपनी श्रेणी में उनकी नियुक्ति की तारीख के प्रति निदश से अवधारित की जाएगी । जहां कि नियुक्ति की तारीख एक ही हो वहां पारस्परिक ज्येष्ठता नीचे उपदर्शित क्रम में होगी—

1. पुस्तकाध्यक्ष
2. उच्च श्रेणी लिपिक
3. संगणक
4. परिकलन यंत्र प्रचालक

ए० ओ० 641 —अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 27 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय कपास (पूरी दबाई हुई, आधी दबाई हुई या ढीली) के क्रय या विक्रय के लिए मुम्बई साधारण खण्ड अधिनियम, 1904 (1904 का मुम्बई अधिनियम 1) में यथापरिभाषित बृहत्तर मुम्बई में के सिवाय सम्पूर्ण भारत में की गई सभी अनन्तरणीय विनिर्दिष्ट परिदान संविदाओं को उक्त अधिनियम की धारा 15 के प्रवेन से एतद्द्वारा छूट देती है जो उस महीने के, जिसके दौरान संविदा हुई थी, पश्चात्तर्वर्ती छह मास के अपश्चात् एक महीने के दौरान परिदान के लिए व्यवस्था करती है।

[सं० फा० 10(7)-सी० जी० फा० एम० सी-68]

ए० ओ० 642:—यतः केन्द्रीय सरकार की यह राय है कि व्यापार के हित में और लोक हित में भारतीय कपास (पूरी दबाई हुई, आधी दबाई हुई या ढीली) में अनन्तरणीय विनिर्दिष्ट परिदान संविदाओं को बृहत्तर मुम्बई के सिवाय सम्पूर्ण भारत में विनियमित और नियंत्रित करना समीचीन है ;

अतः अब अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 18 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि उक्त अधिनियम की धाराएं 5 से लेकर 15 तक मुम्बई साधारण खण्ड अधिनियम, 1904, (1904 का मुम्बई अधिनियम 1) में यथा परिभाषित बृहत्तर मुम्बई के सिवाय सम्पूर्ण भारत में भारतीय कपास (पूरी दबाई हुई, आधी दबाई हुई या ढीली) में अनन्तरणीय विनिर्दिष्ट परिदान संविदाओं पर लागू होगी।

सुरेन्द्र सिंह, उप सचिव।

[सं० फा० 10(7)/सी० जी० (फा० एम० सी-68)]

(Office of the Deputy Chief Controller of Imports & Exports)

ORDER

New Delhi, the 28th January 1969

S.O. 643.—The Import licence No. P/SS/1623673 dated the 8th March, 1968 for Rs. 9,768 for the import of permissible types of Ball, Roller and Taper Bearings and precision measuring tools was issued to M/s. Ranjit Engineering Works, Patel Marg, Ghaziabad.

Thereafter a show cause notice No. Enf. I(132)/1968/KAN/2683 dated the 15th November, 1968 was issued asking them to Show Cause within seven (7) days of the dated of receipt of the said notice as to why the said licence in their favour should not be cancelled on the ground that the licence was issued inadvertently in terms of clause 9(a) of the Import (Control) Order, 1955 as amended.

The stipulated period of 7 days is over and the party has not come forward with any explanation so far.

The undersigned has carefully examined the case and has come to the conclusion that the party has no defence to urge and have avoided a reply.

Having regard to what has been stated in the preceding paragraph the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore the undersigned in exercise of powers vested in him under clause 9 of sub-clause (a) of the Import (Control) Order, 1955 hereby cancels the licence No. P/SS/1623673 dated the 8th March, 1968 for Rs. 9,768 issued in favour of M/s. Ranjit Engineering Works, Ghaziabad.

[No. Enf. I(132)/1968/KAN.]

O. N. ANAND,
Dy. Chief Controller of Imports & Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 13th February 1969

S.O. 644.—The Save The Children Fund, Simla were granted Customs Clearance Permit P/CC/2359690/N/YY/26/C/H dated 2nd February, 1968 for Rs. 24,000/- for import of 1967 Volvo Estate car. The Administrator of The Save The Children Fund has applied for a duplicate of the Customs Clearance Permit as the original CCP has been lost. It is further stated that the original CCP was not registered with any Customs House and not utilised.

In support of this contention the Administrator Shri H. Teekens has filed an affidavit. I am satisfied that the original Customs Clearance Permit No. P/CC/2359690/N/YY/26/C/H dated 2nd February, 1968 has been lost or misplaced and direct that a duplicate Customs Clearance Permit should be issued to him. The original Customs Clearance permit may be treated as cancelled.

[Issued from File No. 2(K-83)/67-68/BLS/5749.]

P. C. NANDA.

Dy. Chief Controller of Imports.

MINISTRY OF HEALTH, FAMILY PLANNING AND U.D.

(Department of Health and Urban Development)

New Delhi, the 12th January 1969

S.O. 645.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to certain Class I post in the Jawaharlal Institute of Post-Graduate Medical Education and Research, Pondicherry, namely :—

Short title and commencement.—(1) These rules may be called the Jawaharlal Institute of Post-Graduate Medical Education and Research, Pondicherry, (Class I Gazetted) Recruitment Rules, 1969.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application.—These rules shall apply to the post specified in column 1 of the schedule annexed to these rules.

3. Number, classification and scale of pay.—Number of post, its classification and the scale of pay attached thereto shall be as specified in columns 2 and 4 of the said Schedule.

4. Method of recruitment, age limit, qualifications etc.—The method of recruitment, age limit, qualifications and other matters, connected therewith shall be as specified in columns 5 to 13 of the said Schedule:—

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of Scheduled Castes/the Scheduled Tribes, and other special categories of persons in accordance with the general orders issued by the Central Government from time to time.

5. Disqualification :

(1) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the said post.

(2) No women, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the said post.

(3) The Central Government may, if it is satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

6. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

SCHEDULE

Name of post	No. of posts	Classification	Scale of pay	Whether Selection Post or non-Selection Post	Age for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation and transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, from which grades promotion/deputation/transfer to be made	If DPC exists what is its composition	Circumstances in which U.P.S.C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Professor of Dentistry	one	General Central Service Class I Gazetted	Rs.1100-50-1400	Not Applicable	45 years and below (Relaxable for Government servants)	<p><i>Essential</i> :—</p> <p>(i) Post-graduate qualification viz. M.D.S. or equivalent.</p> <p>(ii) Six years' professional experience of which at least 3 years should be in the teaching line (whole time) as an Associate Professor, Reader or Lecturer in a Medical College or Dental College. (Qualifications relaxable at Commissions discretion in case of candidates otherwise well qualified).</p> <p><i>Desirable</i> :—</p> <p>Research experience.</p>	Not applicable	2 years	Direct recruitment	Not applicable	Not applicable.	As required under the Union Public Service Commission (Exemption from Consultation) Regulation, 1958.

[No.F.3-105/68-ME(PG).]
V. K. SAMANTROY, Under Secy.

स्वास्थ्य, परिवार नियोजन एवं नगर विकास मंत्रालय

(स्वास्थ्य एवं नगर विकास विभाग)

नई दिल्ली, 12 जनवरी, 1969

ए० ओ० 616:—संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति जवाहरलाल स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, पॉडिचेरी में कलियत्र श्रेणी-1 के पद पर भर्ती की विधि को विनियमित करने के लिए निम्नलिखित नियम बनाते हैं ; नामतः—

1. **संक्षिप्त नाम तथा प्रारम्भ :** (1) इन नियमों को जवाहरलाल स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान, संस्थान, पॉडिचेरी (श्रेणी-1 राजपत्रित) भर्ती नियम, 1969 कहा जाय ।

(2) ये अपने कार्यालय के राजपत्र में प्रकाशित की तिथि से लागू होंगे ।

2. **उपयोजना :**—ये नियम संलग्न अनुसूची के कालम-1 में निर्दिष्ट पद पर लागू होंगे ।

3. **संख्या, वर्गीकरण तथा वेतनमान :**—पद की संख्या, इसका वर्गीकरण और वेतनमान वही होंगे जो उक्त अनुसूची के कालम-2 से 4 में निर्दिष्ट हैं ।

4. **भर्ती की विधि, आयु सीमा, अर्हताएं आदि :**—उक्त पद की भर्ती की विधि, आयु सीमा, अर्हताएं तथा उनसे सम्बन्धित अन्य मामले वही होंगे जो उक्त अनुसूची के कालम 5 से 13 में निर्दिष्ट हैं ।

बशर्ते कि उच्चतम आयु सीमा में उन उम्मीदवारों के मामले में छूट दी जा सकती है जो अनुसूचित जातियों, अनुसूचित आदिम जातियों और भारत सरकार द्वारा समय-समय पर जारी किए गए सामान्य आदेशों के अनुसार अन्य विशेष वर्गों में आते हैं ।

5. **अवश्रुता :** (1)—कोई व्यक्ति जिसकी एक से अधिक जीवित पत्नी हो अथवा पति के रहते हुए जो किसी व्यवस्था में भी ऐसा विवाह कर लेता है जिसमें ऐसी पत्नी अथवा पति के जीवन काल में होने के कारण वह विवाह अवध हो तो वह उक्त पद पर नियुक्ति का पात्र नहीं होगा ।

(2) कोई महिला जिसका विवाह उसके उस विवाह के समय उसके पति की एक स्त्री जीवित होने के कारण अवध हो जाता है अथवा जिसने ऐसे व्यक्ति से विवाह किया है जिसकी ऐसे विवाह के समय एक स्त्री जीवित हो, उक्त पद पर नियुक्ति की पात्र नहीं होगी ।

(3) केन्द्रीय सरकार यदि वह सन्तुष्ट हो जाती है कि ऐसे आदेश देने के लिए विशेष आधार हैं, किसी व्यक्ति को इन नियम के प्रवर्तन से छूट दे सकती है ।

6. शिथिलता शक्ति :—जहाँ केन्द्रीय सरकार ऐसा समझती हो कि ऐसा करना आवश्यक अथवा कार्य-साधक है वह आदेश द्वारा ऐसे करने के कारणों को लिखित रूप में रिकार्ड कर किसी भी वर्ग अथवा श्रेणी के व्यक्तियों के बारे में इन नियमों के किसी भी उपबन्ध को शिथिल कर सकती है।

अनु

पद का नाम	पदों की वर्गी- सं० करण	वेतनमान	पद सलेक्शन है अथवा नान- सलेक्शन	सीधी भर्ती के लिए आयु सीमा	सीधी भर्ती के लिए अपेक्षित शैक्षिक तथा अन्य अर्हताएं
-----------	---------------------------	---------	---	-------------------------------------	--

1	2	3	4	5	6	7
दन्त-चिकित्सा के प्राध्यापक	एक	सामान्य केन्द्रीय सेवा श्रेणी-1 राज- पत्रित	1100-50- 1400 रुपये	लागू नहीं होता	45 वर्ष और इससे कम (सरकारी कर्मचारियों के मामले में शिथिलता बर्ती जायगी)	अतिशय (I) स्नातकोत्तर अर्हता, नामतः एम० डी० एस० अथवा इसके समकक्ष (II) छः वर्ष का व्यावसायिक अनु- भव जिसका मेडिकल कालेज अथवा दन्त कालेज शिक्षण क्षेत्र (पूर्णकालिक) में सह प्राध्यापक, रीडर या व्याख्याता के पद का कम से कम 3 वर्ष का अनुभव हो (सुयोग्य उम्मीदवारों के मामले में आयोग द्वारा अपनी इच्छा से अर्हताओं में

सूची

क्या पदोन्नति से रखे जाने वाले उम्मीद-वारों के मामले में प्रत्यक्ष भर्ती किए जाने वाले व्यक्तियों के लिए निर्धारित आयु और शैक्षिक अर्हताएं लागू होंगी	परिक्षा की अवधि यदि कोई हो	भर्ती का तरीका सीधी भर्ती द्वारा या पदोन्नति के द्वारा अथवा स्थानान्तरण के द्वारा तथा विभिन्न तरीकों द्वारा भरे जाने वाले पदों की प्रतिशतता	पदोन्नति / प्रतिनियुक्ति स्थानान्तरण के द्वारा भर्ती के मामले में वह ग्रेड जिससे पदोन्नति / प्रतिनियुक्ति / स्थानान्तरण किया जाना है	यदि विभा-गीय पदोन्नति समिति है तो उसका क्या गठन है	परिस्थितियां भर्ती के लिए लोक सेवा आयोग से परामर्श लिया जाता है	जिनमें संघीय
---	----------------------------	---	--	--	---	--------------

8	9	10	11	12	13
लागू नहीं होता	2 वर्ष	सीधी भर्ती	लागू नहीं होता	लागू नहीं होता	जैसे संघ लोक सेवा आयोग (परामर्श से मुक्त) विनियम 1958 के अन्तर्गत अपेक्षित है।

1	2	3	4	5	6	7
---	---	---	---	---	---	---

शिथिलता बर्ती जा
सकती है)

वांछित :

अनुसंधान का अनुभव ।

8

9

10

11

12

13

[प० सं० 3-105/68-चि० शि० (सातकांतर)]

बी० के० सामन्तराय, अव्वर सचिव ।

(Department of Health and U. D.)

New Delhi, the 6th February 1969

S.O. 647.—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th May, 1969.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Rules

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1969.
2. In the Drugs and Cosmetics Rules, 1945 (hereinafter referred to as the said rules),

In rule 2, for clause (dd) the following clause shall be substituted, namely :—

“(dd) Homoeopathic medicines include any drug which is recorded in Homoeopathic provings or the therapeutic efficacy of which has been established through long clinical experience as recorded in authoritative Homoeopathic literature of India and abroad and which is prepared according to the techniques of Homoeopathic pharmacy and covers combination of ingredients of Homoeopathic medicines so proved, but does not include a medicine which is administered by parenteral route.”

3. In rule 67-G of the said rules, after condition (4), the following condition shall be inserted, namely :—

“(5) The licensee in Form 20-C shall maintain records of purchase and sale of Homoeopathic medicines containing alcohol. No records of sale in respect of Homoeopathic potentised preparation in containers of 30 ml. or lower capacity and in respect of mother tinctures made up in quantities upto 60 ml. need be maintained.”

4. In rule 85-B of the said rules, in sub-rule (2), the following sentence shall be added at the end, namely :—

“Application for licence to manufacture potentised preparation from back potencies by Pharmacies who are already licensed to sell Homoeopathic medicines by retail shall also be made in Form 24-C and such application shall be accompanied by a fee of rupees twenty.”

5. For rule 85-D of the said rules, the following rule shall be substituted, namely :—
“85-D Form of licence to manufacture Homoeopathic medicines.

Licence for manufacture of Homoeopathic medicines as well as a licence to manufacture potentised preparations from back potencies by Pharmacies who are already licensed to sell Homoeopathic medicines by retail shall be granted in Form 25-C”.

6. In rule 85-E. of the said rules.

- (i) for condition (2), the following condition shall be substituted, namely :—

“(2) The factory premises shall be clean and the manufacture shall be carried out under hygienic conditions.”

- (ii) after condition (6) the following proviso shall be inserted, namely :—

“Provided that in case potentised preparations are made in a Pharmacy holding licence in Form 20-C, the conditions (2) and (3) shall not apply. The licensee shall ensure to the satisfaction of the licensing authority that the products manufactured by it, conform to the claims made on the label.”

7. In rule 106-A of the said rules, for clause (iv) the following clause shall be substituted, namely :—

“(iv) Name and address of the manufacturer when sold in original containers of the manufacturer—In case of Homoeopathic medicine is sold in a container other than that of the manufacturer—the name and address of the seller.”

8. In Form 20-C of the said rules, after conditions (3), the following condition shall be inserted, namely :—

“(4) This licence authorises the sale of Homoeopathic medicines made from one potency earlier upto a quantity of 30 ml.”

9. For Form 24-C of the said rules, the following Form shall be substituted, namely:—

“Form 24-C

(See Rule 85-B)

Application for the grant of renewal of a licence to manufacture for sale of Homoeopathic medicines/or a licence to manufacture potentised preparations from back potencies by licensees holding licence in Form 20-C.

1. I/We.....of..... holder of licence No. in Form 20-C hereby apply for the grant/renewal of licence to manufacture Homoeopathic mother tinctures/potentised preparations on the premises situated at.....

2. Names, qualifications and experience of technical staff employed for manufacture and testing of Homoeopathic medicines.

3. A fee of rupees..... has been credited to Government under head of account.....

Date

Signature.....

NOTE: 1. Delete whichever portion is not applicable.

2. The application should be accompanied by a plan of the premises.

10. In Form 25-C of the said rules,

(i) for the para at item 1, the following shall be substituted, namely :—

“I who holds a licence in Form 20-C is hereby licensed to manufacture Homoeopathic mother tinctures/potentised preparations on the premises situated at under the direction and supervision of the following technical staff.”

(ii) at the end, below the line, the following shall be added, namely :—

“Delete the words “who holds a licence in Form C” in case this is not applicable.”

[No. F. 1-59/68-D.]

New Delhi, the 7th February 1969

S.O. 648.—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), and after consultation with the Drugs Technical Advisory Board, is hereby published as required by the said sections for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 20th April, 1969.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified above will be considered by the Central Government:—

Draft Rules

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1969.

2. In the Drugs and Cosmetics Rules, 1945, in rule 65, in the Explanation after clause (15), for sub-paragraphs (b) and (c) of paragraphs (ii), the following shall be substituted, namely:—

“(b) is a registered pharmacist as defined in the Pharmacy Act, 1948 (8 of 1948):

Provided that in those States (including Union territories) where the first register of pharmacists under section 29 of the said Act has not been prepared, a person possessing qualifications to have his name entered in that register shall be deemed to be a qualified person till such time as that register is prepared.”

[No. F.1-55/68-D.]

L. K. MURTHY, Under Secy.

(Department of Health & U D.)

New Delhi, the 12th February 1969

S.O. 649.—Whereas in pursuance of the provisions of clause (d) of section 3 of the Dentists Act, 1948 (16 of 1948), Dr. S. N. Prasad, Director of Health Services, Bihar, Patna has been elected by the Patna University, Patna, to be a member of the Dental Council of India with effect from the 29th November, 1968 *vice* Dr. S. M. Hasan who ceased to be a member of the Council under sub-section (3) of section 6 of the said Act;

And whereas, in pursuance of the provisions of clause (e) of section 3 of the said Act, the following persons have been nominated by the State Government specified against their names to be the members of the said Council with effect from the date of nomination shown against each namely:—

Particulars of Member	Name of State which nominated him	Date of nomination
1. Dr. D. N. Phukan, Director of Health Services and Director of Health Planning and Education, Assam, Shillong (<i>vice</i> Dr. T. B. Menon resigned).	Government of Assam	5-8-1968
2. Dr. Jai Chandra, MBBS, LDS, RCS, FICD, Principal, Patna Dental College and Hospital, Patna (Re-nomination).	Government of Bihar	15-1-1969

Now, therefore, in pursuance of section 3 of the said Act, the Central Government hereby directs that Dr. Jai Chandra, MBBS, LDS, RCS, FICD, Principal, Patna Dental College and Hospital, Patna, shall continue to be a member of the Dental Council of India and makes the following further amendments in the notification of the Government of India in the late Ministry of Health No. F.3-2/62-MII, dated the 17th October, 1962, namely:—

In the said notification:—

- (i) under the heading "Elected under clause (d) of section 3", for the entry against serial No. 11, the following entry shall be substituted, namely:—

"Dr. S. N. Prasad, Director of Health Services, Patna".

- (ii) under the heading "Nominated under clause (e) of section 3", for the entry against serial No. 2, the following entry shall be substituted, namely:—

"Dr. D. N. Phukan, Director of Health Services and Director of Health Planning and Education, Assam, Shillong".

[No. F.3-43/68--MPT.]

New Delhi, the 13th February 1969

S.O. 650.—In pursuance of clause (d) of rule 2 of the Indian Medical Council Rules, 1957, the Central Government hereby appoints Dr. Gyan Prakash, Registrar, Rajasthan Medical Council, Jaipur, as 'Returning Officer' for the conduct of election of a member to the Medical Council of India under clause (c) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) in the State of Rajasthan.

[No. F.4-29/68-MPT.]

S.O. 651.—Whereas in pursuance of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the following persons have been elected by the members of the Senate or Court, as the case may be, of the Universities

specified against each to be members of the Medical Council of India with effect from the date shown against each of them, namely:—

Name	Name of the University	Date of election
1. Dr. B. Mukhopadhyay, M.B.B.S., FRCS., M. Ch. (Orth.), FIAMS., Professor and Head of the University Department of Orthopaedics, Patna University, Patna (vice Dr. V.N. Singh who has ceased to be member under sub-section (3) of section 7 of the said Act.)	Patna University	29-11-1968
2. Dr. S. A. Kabir, MBBS, DA (Lond.), FFARCS (Eng.), Professor of Anaesthesia, Madurai Medical College, Madurai-13,	Madurai University	28-12-1968

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the notification, under the heading “Elected under clause (b) of sub-section (1) of section 3,—

(i) for the entry against serial No. 17, the following entry shall be substituted, namely:—

“Dr. B. Mukhopadhyay, MBBS, FRCS, M.Ch.(Orth.) FIAMS, Professor and Head of the University Department of Orthopaedics, Patna University, Patna.”

(ii) after serial No. 37 and the entry relating thereto, the following serial number and entry shall be inserted, namely:—

“38. Dr. S. A. Kabir, MBBS., DA (Lond.) FFARCS, (Eng.), Professor of Anaesthesia, Madurai Medical College, Madurai-13”.

[No. F.4-29/68-MPT.]

K. DEO, Under Secy.

(Department of Health & U. D.)

New Delhi, the 14th February, 1969

S.O. 652.—In exercise of the powers conferred by sub-section 2 of Section 52 of the Delhi Development Act, 1957 (61 of 1957) and in supersession of Government of India, in the Ministry of Works, Housing and Supply Notification No.18011(10)/66-UD (Vol. II) dated the 1st May, 1967, the Central Government hereby directs that the powers of that Government under the provisions of the Act, mentioned in the Schedule hereto annexed, shall, subject to the control of the Central Government and until further orders, also be exercised by the Administrator of the Union Territory of Delhi, provided that the powers mentioned in item 2 of the Schedule shall be exercised in each case with the prior approval of the Central Government.

SCHEDULE

1. Clause (a) of Section 2.
2. Sub-sections 3(c), 3(d) and (9) of Section 3.
3. Sub-Section (1) of Section 4.
4. Sub-section (2) of Section 5, except clause (g).

5. Sub-section (1) of Section 12.
6. Section 15.
7. Sub-section (3) of Section 35.
8. Section 36.
9. Section 39.
10. Sub-section (2) of Section 42.
11. Section 57.

[No. 18011(28)/67-U.D.]

K. M. L. GUPTA, Under Secy.

MINISTRY OF TRANSPORT AND SHIPPING

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 11th February 1969

S.O. 653.—In exercise of the powers conferred by Section 218 of the Merchant Shipping Act, 1958 (44 of 1958), read with rules 3 and 4 of the National Welfare Board for Seafarers Rules, 1963, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Transport and Shipping (Transport Wing) No. S.O. 3906, dated the 25th October, 1968, namely:—

In the said notification, for the entries against Serial number 44, the following entries shall be substituted, namely:—

“Senior Deputy Director General
of Shipping (*ex-officio*)”.

Member-
Secretary

[No. F.14-MT(12)/68.]

K. V. SANKARAN, Dy. Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 7th February 1969

S.O. 654.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 1st March, 1969 as the date on which the Measured Rate System will be introduced in Fyzabad Telephone Exchange in Uttar Pradesh Circle.

[No. 5/4/69-PHB(3).]

D. R. BAHI, Asstt. Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली 7 फरवरी, 1969

एन० प्रो० 655.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये 1951 के भारतीय तार नियमों के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने फैजाबाद टेलीफोन केन्द्र में 1-3-69 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-4/69-पी० एच० बी०.]

डी० आर० बाहल,

सहायक महानिदेशक।

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Department of Works and Housing)

New Delhi, the 11th February 1969

S.O. 656.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being gazetted officer of Government to be "Estate Officer" for the purposes of the said Act and the said officer shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column 2 of the said Table.

TABLE

(1) Designation of officer	(2) Categories of public premises and local limits of jurisdiction
The Director, Supplies and Disposals, Calcutta.	<p>Plot No. 113 (.72 acre) and Plot No. 114 (.05 acre) situated within the limits of the Corporation of Calcutta as defined in the Calcutta Municipal Act, 1951 and bounded as follows:—</p> <p>North : Sardar Ballabhai Patel Road. South : CS Plot No. 385. East : CS Plot No. 382. West : CS Plot Nos. 111, 112, 115, 123, 21 and 186.</p>

[No. F.21012(1)/66/Pol.(IV).]

T. K. BALASUBRAMANIAN, Under Secy.

MINISTRY OF IRRIGATION & POWER

New Delhi, the 17th January 1969

S.O. 657.—In exercise of the powers conferred by sub-sections (2) and (3) of section 80 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government in consultation with the Government of the successor States and the State of Rajasthan hereby makes the following amendment in the notification of the Government of India in the Ministry of Irrigation and Power No. S.O. 3507, dated the 1st October, 1967 namely :

In the said notification, for paragraph 3 the following shall be substituted namely :

"3. The Board may appoint such staff (other than that referred to in paragraph 2 and the General Manager, Beas Project) as may be necessary for the efficient discharge of its functions."

[No. 6/4/66-B&B.]

M. PRASAD, Under Secy.

सिंचाई और विद्युत मंत्रालय

नई दिल्ली, 17 जनवरी, 1969

एस० ओ० 658.—पंजाब अधिनियम, 1966 (1966 का 31) की धारा 80 की उपधाराओं (2) और (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, उत्तराधिकारी राज्यों की सरकारों और राजस्थान राज्य के परामर्श से, भारत सरकार के सिंचाई और विद्युत मंत्रालय

की अधिसूचना सं० का० आ० 3507, तारीख 1 अक्तूबर, 1967 में एतद्वारा निम्नलिखित संशोधन करनी है, अर्थात्—

उक्त अधिसूचना में पैरा 3 के लिये निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:—

“(3) बोर्ड (पैरा 2 में निर्दिष्ट कर्मचारिवृन्द से और ब्यास परियोजना के महा-प्रबंधक से भिन्न) ऐसे कर्मचारिवृन्द नियुक्त कर सकेगा जो उसके कृत्यों के दत्ततापूर्ण निर्वहन के लिये आवश्यक हों।”

[प० सं० 6/4/68-बी० और बी०]

हा० म० प्रसाद, अवर सचिव ।

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 1st February 1969

S.O. 659.—In pursuance of the provisions of clause (a) of sub-rule (2) of rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, the Central Government hereby specifies the authorities mentioned in column 1 of the Table below as the authorities by which the powers conferred by the said sub-rule may be exercised to the extent indicated against each such authority in column 2 of that Table, namely:—

Name of Authority	Extent of Powers
1	2
Secretary, Ministry of Information & Broadcasting.	In respect of orders passed under rule 5(i) against employees belonging to Class II (ex-cadre) posts in the Press Information Bureau, other than those whose appointing authority is the President.
Principal Information Officer	In respect of orders passed under rule 5(i) against Class III employees of the Press Information Bureau, other than those included in Central Secretariat Clerical Service.
Sr. Dy. Principal Information Officer/Director Public Relation/Dy. Principal Information Officer.	In respect of orders passed under rule 5(i) against Class IV employees of the Press Information Bureau.

This Notification comes into force from 1st February 1969.

[No. 8/9/68-Est. (PIB)/DS (I)]

D. R. KHANNA, Dy. Secy.

New Delhi, the 5th February 1969

S.O. 660.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Kumari Vatsala M. Nadkarni, after consultation with the Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Bombay with immediate effect.

[No. 11/2/68-F(C).]

H. B. KANSAL, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 5 फरवरी, 1969

ए० प्रो० 661.—चलचित्र अधिनियम, 1952 की धारा 5 (1) और चलचित्र (सेंसर) नियमावली, 1958 के नियम 9 के उप नियम (2) के साथ पठित नियम 8 के उप नियम (3) द्वारा दिये गये अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने केन्द्रीय फिल्म सेंसर बोर्ड से परामर्श करके एतद्वारा कुमारी बरसला एम० नदकारनी को अभी से उक्त बोर्ड के बम्बई सलाहकार मंडल का फिर से सदस्य नियुक्त किया है।

[संख्या फाईल 11/2/68 एफ० सी०]

हरि बाबू कंसल, भवर सचिव।

ORDERS

New Delhi, the 7th February 1969

S.O. 662.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all their language versions to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

(1) Sub-section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).

(2) Sub-section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1963).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news & current events or a documentary film.
1	2	3	4	5	6
1	Deep Lagale Gharoghari (Marathi)	294.00 M	Director of Publicity, Govt. of Maharashtra, Film Centre, 68-Tardeo Road, Bombay. }		Documentary film (For release in rural areas of Maharashtra Circuit)
2	Maharashtra News No. 200 (Hindi & Marathi)	302.00 M	Director of Publicity, Govt. of Maharashtra, 68-Tardeo Road, Bombay-34.		Film dealing with news and current events (For release in Maharashtra Circuit only).

S.O. 663.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against each in column 6 of the said second Schedule.

THE FIRST SCHEDULE

(1) Sub-section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).

(2) Sub-section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).

(3) Sub-section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes dealing with news & current events or a documentary film.
1	2	3	4	5	6
1	Mahitichitra No. 104 (Gujarati)	295.65 M	Director of Information, Govt. of Gujarat, Ahmedabad-15.		Film dealing with news and current events (For release in Gujarat Circuit only).
2	Sukh No. Marg (Gujarati)	304.50 M		Do.	Film intended for educational purposes. (For release in Gujarat Circuit only).

[No. F. 24/1/69-FP App. 1327.]

BANU RAM AGGARWAL, Under Secy.

आदेश

नई, दिल्ली, 7 फरवरी, 1969

एत० प्रो० 664.—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्मों को उनके सभी भारतीय भाषाओं के रूपान्तरों सहित, जिनका विवरण प्रत्येक के सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है।

प्रथम अनुसूची

(1) चलचित्र अधिनियम, 1952 (1952 का 37वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।

(2) बम्बई सिनेमा (विनियम) अधिनियम 1953 (1953 का 11वां बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	लम्बाई 35 मि० मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमेंट्री फिल्म है
-------------	--------------	-------------------	--------------	-----------------	--

(1)	(2)	(3)	(4)	(5)	(6)
1	दीन लगाले घरोघरी (मराठी)	294.00 मी०	प्रचार निदेशक, फिल्म सेंटर, बम्बई-34	महाराष्ट्र सरकार 68-तारदेव रोड	डाकुमेंट्री फिल्म (केवल महाराष्ट्र सर्किट के देहाती क्षेत्रों में रिलीज करने के लिये)
2	महाराष्ट्र समाचार संख्या 200 (हिन्दी और मराठी)	302.00 मी०	प्रचार निदेशक, फिल्म सेंटर, बम्बई-34	महाराष्ट्र सरकार 68-तारदेव रोड	समाचार और सामयिक घटनाओं से सम्बन्धित फिल्म (केवल महाराष्ट्र सर्किट के लिये)

[संख्या फाईल 24/1/69-एफ० पी परिशिष्ट 1326.]

ए० ओ० 665.—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किए गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्मों को उनके गुजराती भाषा रूपान्तरों सहित, जिनका विवरण उनके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है।

प्रथम अनुसूची

(1) चलचित्र अधिनियम, 1952 (1952 का 37वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।

(2) बम्बई सिनेमा (विनियम) अधिनियम, 1953 (1953 का 17वां बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9।

(3) सौराष्ट्र सिनेमा (विनियम) अधिनियम 1953 (1953 का 17वां सौराष्ट्र अधिनियम) की धारा 5 की उपधारा (4) तथा धारा 9।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	फिल्म की लम्बाई 35 मि० मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमेंट्री फिल्म है
(1)	(2)	(3)	(4)	(5)	(6)
1	महोत्तिचित्रा संख्या 104	295.65 मी०	सूचना निदेशक, अहमदाबाद-15	गुजरात सरकार	समाचार और सामयिक घटनाओं से सम्बन्धित फिल्म (केवल गुजरात सर्किट के लिए)
2	सुख नो मार्ग	304.50 मी०	सूचना निदेशक, अहमदाबाद	गुजरात सरकार	शिक्षा सम्बन्धी फिल्म (केवल गुजरात सर्किट के लिए)

[संख्या फाईल 24/1/69-एफ० पी परिशिष्ट 1327]

बानू राम अग्रवाल, अवसर सचिव ।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 7th February 1969

S.O. 666.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Ashakuty/Phularitand Colliery owned by Ashakuty Coal Company Limited, Post Office Katrasgarh, District Dhanbad and their workmen, which was received by the Central Government on the 13th December, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 5 OF 1968

PRESENT:

Shri Sachidanand Sinha, Presiding Officer.

PARTIES

Employers in relation to the Ashakuty/Phularitand Colliery.

Vs.

Their workmen.

APPEARANCES :

For Employers:—Shri S. S. Mukherjee, Advocate.

For Workmen:—Shri Lalit Burman, General Secretary, Bihar Koyala Mazdoor Sabha.

INDUSTRY: Coal

STATE: Bihar

Dhanbad, dated the 2nd of December, 1968

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Ashakuty/Phularitand Colliery of M/s. Ashakuty Coal Company Limited and their workmen, by its order No. 2/95/68-LR-II, dated the 22nd of July, 1968 referred to the Central Government Industrial Tribunal (No. 3), Dhanbad under Section 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

"Whether the action of the management of Ashakuty/Phularitand Solkery owned by Ashakuty Coal Company Limited, Post Office Katrasgarh, District Dhanbad in keeping Shri Shiva Shanker Singh, Switchman, under suspension pending enquiry from the 18th February, 1968 to the 16th April, 1968 and in confirming ten days suspension from the 18th February, 1968 to the 27th February, 1968 as a measure of punishment was justified? If not, to what relief is the workman entitled?"

2. The General Secretary, Bihar Koyala Mazdoor Sabha filed written statement on behalf of the workmen on 22nd August, 1968. In the written statement it has been alleged that Shri Shiva Shanker Singh has been working in the Ashakuty/Phularitand Colliery for long as a Switchman. The management was indulging in various unfair labour practices in the matter of the implementation of the recommendations of the Wage Board and in respect of the payment of the statutory dues to the workmen. Shri Shiva Shanker Singh along with some other workers of the Colliery took active part in organising the workers in union. Therefore, the management in collusion with the officials of the so-called recognised union tried to implicate him and his brother in criminal case which ultimately failed.

3. On 18-2-68 the manager issued a chargesheet against the workman Shri Shiva Shanker Singh alleging that he along with his brother were found engaged in stealing Employer's and private owned materials and suspended the workman on and from 18th February, 1968. The workman submitted the reply to the chargesheet on 22nd February, 1968 stating that his brother and he were implicated in a false case of theft of materials of one Tara Singh and that in the allegation no particular materials of the company was involved and as such there was no cause for any disciplinary action or of suspension. Though the management proposed to hold an enquiry on 26th February, 1968 and 6th March, 1968 but there was no proper enquiry and no one was examined on behalf of the management. Subsequently by letter dated the 16th of April, 1968 the workman was informed that the suspension for 10 days from 18th February, 1968 to 27th February, 1968 was confirmed as a measure of punishment and he would be paid the wages for the period of suspension beyond 10 days and the workman was allowed to resume work from 18th April, 1968. According to the workman the action of the management in keeping the workman Shri Shiva Shanker Singh under suspension during the pendency of enquiry from 18th February, 1968 to 16th April, 1968 and the action in subsequently confirming the ten days suspension from 18th February, 1968 from to 27th February, 1968 as a measure of punishment was not justified. The action of the management was *malafide* and the workman was victimised on account of his taking part in the Trade Union activities.

4. The management filed their written statement on 2nd September, 1968. Their case is that Shri Shiva Shanker Singh was working as Switchman in the Colliery. Shri Shiva Shanker Singh was on duty as a Switchman in the night shift of 17th/18th February, 1968. He however, left his duty place and along with his brother was detected stealing the spare parts of some machinery belonging to the Employer's from the Godown and they also removed a Wrist Watch and some money from the pocket of a Truck Driver who was sleeping. For the aforesaid misconduct a chargesheet dated 18th February, 1968 was issued to Shri Shiva Shanker Singh to which he submitted a reply dated 22nd February, 1968. He was also suspended pending enquiry. The departmental enquiry was held on 26th February, 1968. In this enquiry, witnesses were examined. On that date Shri Shiva Shanker Singh did not make any statement nor did he produce any witness.

Another opportunity was given to Shri Shiva Shanker Singh to produce his defence witnesses and accordingly the enquiry was adjourned to 6th March, 1968 and on that date Shri Shiva Shanker Singh produced two defence witnesses and gave his own statement. In the aforesaid departmental enquiry the misconduct mentioned at the chargesheet was satisfactorily proved. In that enquiry the offence of removing the Wrist Watch and money of a Truck Driver being a criminal case in respect of theft of property of private person was left to the investigation by the police and by the party concerned. In the departmental enquiry the misconduct was satisfactorily established and Shri Shiva Shanker Singh was suspended for 10 days only, namely from 18th February, 1968 to 27th February, 1968 as a measure of punishment and he was offered half wages as per provision of Standing Order beyond 10 days of suspension which he did not accept.

5. Therefore, according to the management they were justified in keeping Shri Shiva Shanker Singh, Switchman under suspension pending enquiry from 18th February, 1968 to 16th April, 1968 and confirming 10 days suspension from 18th February, 1968 to 27th February, 1968 as a measure of punishment and according to them there was no question of victimisation or unfair labour practice.

6. Before entering into the facts of the present reference it is better to give the background of the case. On 18th February, 1968 one Tara Singh lodged an F.I.R. at 8-30 A.M. at Baghmara Police Station stating that on 18-2-68 at 2 A.M. one Wrist Watch and a sum of Rs. 95:00 were stolen from his person and that he caught hold of one Surendra Singh at the spot and that he identified the other culprit who ran away and whose name was Shiva Shanker Singh. The police investigated the case and found that accused Surendra Singh was not caught at the time of occurrence at 2 A.M. but that he was arrested at 7 A.M. while he was taking tea in the Hotel of Girdhari Singh of Phulari-land and that other accused named in the F.I.R. who is Shiva Shanker Singh was on duty from 12 mid-night till 8 A.M. on 18th February, 1968 and the police officer found that they were falsely implicated by the informant Tara Singh at the instance of the manager of the Colliery and Sheodhar Singh, Secretary of the Union and accordingly the Police submitted its final report on 2nd March, 1968. The S.D.O. accepted the final report submitted by the police and discharged the accused Surendra Singh and Shiva Shanker Singh on 23rd March, 1968.

7. For the same occurrence a chargesheet was issued against the workman Shiva Shanker Singh. The charge against the workman runs as follows:—

"During the night in between 17th/18th instant you along with your brother were found engaged in stealing Employer's and private owned materials and that you were helping your brother in doing the same and as such you have contravened the Company's Standing Order No. 18(a)."

18(a) of the Standing Order is in respect of theft of Employer's property.

8. In this case I find that the charge itself was vague and indefinite. Name of the private person whose materials were stolen was not disclosed in the chargesheet. The materials of the private person which were stolen were also not disclosed. In so far as the employer's materials were concerned the name of the materials were also not disclosed nor it was disclosed from where they were stolen. The materials upon which the charge was based was also not disclosed to the workman. The charge which a person is called upon to meet must be clear, precise and accurate. The object of furnishing a chargesheet is to give an opportunity to the person who is charge-sheeted with misconduct to defend himself and to give a proper explanation, after knowing the nature of the offence with which he is charged. Fair hearing presupposes a precise and definite catalogue of charges so that the person charged may understand and effectively meet them. If the charges are imprecise or indefinite, the person charged would not be able to understand them and defend himself effectively and the result would not be a fair and just enquiry.

9. According to 18(a) of the Standing Order the charge of the theft must be in relation to the employer's property and therefore, there could not be any charge in respect of what is called private owned material. In the written statement filed by the employer it is admitted that the offence of removing the Wrist Watch and money of a Truck Driver being a private criminal case was left to the investigation by the police and by the party concerned. Therefore, the charge ultimately boiled down to the theft of stealing employer's materials. The employer's material was not disclosed in the chargesheet nor it was disclosed in the chargesheet as to from where the materials were stolen. Therefore, in departmental enquiry suffered from the infirmity that the charge-sheet was indefinite, imprecise and it was not possible for the person charged to understand the charge and defend himself effectively.

10. The departmental enquiry started on 26th February, 1968 at 3 P.M. and continued till 5 P.M. and again the enquiry was resumed at 6 P.M. From the enquiry

proceeding it appears that the workman Sri Shiva Shanker Singh was not present during the first part of the enquiry which was held on 26th February, 1968 from 3 P.M. to 5 P.M. The enquiry was adjourned for one hour for tea and was again resumed at 6 P.M. between 3 P.M. to 5 P.M. 3 witnesses on behalf of the management were examined viz. 1. Shri Tara Singh, 2. Sahadet Hussain and 3. Tarkeshwer Prasad Singh. The case of the workman is that he was not present while these 3 witnesses were being examined. It is said that the workman was not present and he never declined to cross examine the witnesses. In support of this contention it is submitted that the statement of the aforesaid 3 witnesses have not been signed by the workman. The enquiry report shows that the workman Sri Shiva Shanker Singh appeared at 6 P.M. on 26th February, 1968 and the workman gave his statement to the effect that his case was pending before the police and he shall give his statement before the Magistrate in that connection and that he was not prepared to make any statement at this stage. It is to be noted that on 26th February, 1968 the criminal case was pending before the police and that the police after investigation submitted final report on 2nd March, 1968 which was ultimately accepted by the S.D.O. on 23rd March, 1968. It appears that the enquiry was adjourned to 6th March, 1968. On that date the workman was examined and stated that on the night of occurrence he was on duty from mid-night till 8 A.M. It is to be noted that the management did not challenge his statement in cross examination. He also examined 2 witnesses viz. Sarvashri Subalchandra Sarkar who stated that in the night intervening 17th and 18th February, 1968 he handed over charge as Switchman to Shiva Shanker Singh at 12 mid-night and the other witness Lalan Singh stated in his evidence that on 18th February, 1968 at 8 A.M. he took over charge from Shiva Shanker Singh. It is to be noted that these 2 witnesses viz. Subalchandra Sarkar and Lalal Singh were also not cross examined by the management. The defence of the workman was that at the time of the occurrence he was on duty in the Colliery as Switchman and for that purpose he pledged his oath and also examined witnesses.

11. The Enquiring Officer, however gave his finding on 9th March, 1968 to the effect that the charge against the workman in respect to the theft of the employer's materials have been proved. The Enquiring Officer evidently relied on the testimony of the witnesses examined on behalf of the management. Three witnesses were examined on behalf of the management. The first witness is Shri Tara Singh, Truck Driver. In his evidence he stated that he was informed by Sahadet Hussain. The second witness examined on behalf of the management stated that a brass wheel valve was stolen from an old box of the Company. The second witness Sahadet Hussain simply stated that a brass wheel valve was stolen from the broken boxes. He never stated that the workman Sri Shiva Shanker Singh was the culprit. The third witness is Shri Tarkeshwer Singh. He has not stated either about theft or to the effect that the workman Shiva Shanker Singh stole the brass wheel valve. None of the witnesses examined on behalf of the management has spoken that he saw the workman Shri Shiva Shanker Singh stealing away the brass wheel valve from the boxes.

12. Therefore, the finding that Shri Shiva Shanker Singh stole the Company's material is not supported by any evidence and therefore the finding to this effect recorded in the domestic enquiry was perverse.

13. Shri Shiva Shanker Singh, was suspended from 18th February, 1968 pending enquiry. According to the standing order 18(a) Order 18 (ii) during the period of enquiry the workman concerned may be suspended. After the departmental enquiry the management suspended the workman for 10 days from 18th February, 1968 to 27th February, 1968 as a measure of punishment. I have already stated above that the departmental enquiry suffered from infirmities and that the finding of the Enquiring Officer was perverse and therefore, the order of the management suspending the workman for the aforesaid period is set aside.

14. It is now well settled principle of law that suspension is ordinarily of two kinds viz., suspension as a punishment and suspension pending enquiry. In the case of a suspension pending enquiry, the employee would be entitled to wages for the period of suspension if he is subsequently found not guilty Para 18(ii) of the Standing Order of the Company runs as follows:—

"If a workman is not found guilty of the charges framed against him, he shall be deemed to be on duty during the full period of his suspension and he shall be entitled to receive the same wages as he would have received if he had not been suspended."

15. In this particular case I have already held that the management has not been able to justify the suspension from 18th February, 1968 to 27th February, 1968 on the ground of proved misconduct as the management failed to prove the alleged misconduct and

consequently the management has no right to suspend or withhold salary for the aforesaid period of 10 days.

16. In this view of the evidence I hold that the management may be justified to suspend the workman Shri Shiva Shanker Singh pending enquiry *i.e.* from the 18th of February, 1968 to the 16th of April, 1968. But since the workman has not been found guilty the concerned workman Shri Shiva Shanker Singh shall be entitled to wages for the period of suspension *i.e.* from the 18th of February, 1968 to the 16th of April, 1968. The management further suspended the concerned workman from the 18th of February, 1968 to the 27th of February, 1968 as a measure of punishment. This period of suspension cannot be said to be justified because the management has failed to prove the misconduct against the concerned workman and consequently the management had no right to suspend the workman Shiva Shanker Singh as a measure of punishment from the 18th of February, 1968 to the 27th of February, 1968. In short the concerned workman Shri Shiva Shanker Singh is entitled to wages for the period of suspension *i.e.* from the 18th of February, 1968 to the 16th of April, 1968 at the same rate as he would have received had he not been suspended and further he shall deem to have been on duty during the period of suspension.

17. This is my award. It may now be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,

Presiding Officer,

Central Govt. Industrial Tribunal-cum-Labour

Court No. 3, Dhanbad.

[No. 2/95/68-LR-II.]

S.O. 667.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Ray Colliery No. 3, Post Office Ray of Messrs Karanpur Industries (Private) Limited, Hazaribagh and their workmen, which was received by the Central Government on the 4th February, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 57 OF 1968

PRESENT:

Shri Sachidanand Sinha, Presiding Officer.

PARTIES :

Employers in relation to Ray Colliery No. 3 Post Office Ray of Messrs Karanpur Industries (Private) Limited, Hazaribagh,

AND

Their workmen.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 25th January, 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Ray Colliery No. 3, Post Office Ray of Messrs Karanpur Industries (Private) Limited, Hazaribagh and their workmen, by its order No. 2/148/66-LR-II, dated the 4th of November, 1966, referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

(1) Whether the management of Ray Colliery No. 3 Post Office Ray is justified in stopping from work, the following workmen namely:—

- (1) Shri Bansl Mahto, Boiling Cooly.
- (2) Shri Ram Dharl, Trammer.
- (3) Shri Sukna, Boiling Cooly.
- (4) Shri Chait Ram, Trammer.
- (5) Shri Biglaha, Boiling Cooly.

- (6) Shri Jankua, Boiling Cooly.
- (7) Shri Chedi Ram, Boiling Cooly.
- (8) Shri Jhubra, Trammer.
- (9) Shri Sikari Gugha.
- (10) Shri Budhna Gugha.
- (11) Shri Ganeshi.
- (12) Shri Balkua, Trammer.
- (13) Shri Rambrich, Boiler Khalasi.
- (14) Shri Jugeshwar, Trammer.

(2) If not, to what relief are these workmen entitled?

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 150 of 1966 on its file. While it was pending there the dispute was transferred to the Central Government Industrial Tribunal No. 2, Dhanbad by the Central Government's Order No. 8/25/67-LR-II, dated the 8th of May, 1967 and there it was registered as reference No. 186 of 1967. The Central Government by its subsequent order No. 8/71/68-LR-II, dated the 13th of August, 1968, transferred the dispute to this tribunal and it has been renumbered as reference No. 57 of 1968 by this tribunal.

3. Both the parties were directed to file their statements of demand. Despite of reminders both the parties failed to submit their statements of demand. A written petition dated the 2nd of December, 1968 from the manager, Ray Colliery duly countersigned by the secretary Colliery Mazdoor Sangh, Branch Ray No. 3, was received on 28th December, 1968. On receipt of this petition dated the 2nd December, 1968 the Secretary Colliery Mazdoor Sangh was directed to confirm in writing if the above statements of the manager, Ray Colliery is correct and can be acted upon. On the date fixed for hearing i.e. on the 23rd of January, 1969, the union did not appear of filed their written statement.

4. As the matter has been settled amicably by the parties and the union does not press the claim it shall have to be held that the workmen have settled the dispute and are not interested in the proceeding. In these circumstances, I presume that no dispute further exists between the parties and I record a 'NO DISPUTE' award between the Parties.

5. It may be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer,

Central Govt. Industrial Tribunal-cum-Labour,
Court (No. 3).
[No. 2/148/66-LR-II.]

Dated 25th January, 1969.

New Delhi, the 11th February 1969

S.O. 668.—In exercise of the powers conferred by sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4650, dated the 19th December, 1967, namely:—

In the Table annexed to the said notification—

(i) for S. No. 2 and the entries relating thereto, the following S. No. and entries shall be substituted, namely:—

1	2	3
---	---	---

"2. Labour Court, Bombay constituted under section 7 of the said Act, by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1698, dated the 22nd May, 1965.

The areas comprising the Bombay City District, the Bombay Suburban District and the districts of Thana, Nasik, East Khandesh, Aurangabad, Ahmednagar, Bhil, Naded, Parbhani in the State of Maharashtra and Daman and Diu in the Union territory of Goa, Daman and Diu.

1	2	3
2A. Labour Court No. 2, Bombay constituted under section 7 of the said Act, by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1970, dated the 28th May, 1968.	The areas comprising the districts Ratnagiri, Kolhapur, Sangli, S. Satara, N. Satara, Sholapur, Osmanabad, Kolaba, Poona in the State of Maharashtra and Goa in the Union territory of Goa, Daman and Diu."	

(ii) for S. Nos. 4 and 5 and the entries relating thereto, the following entries shall respectively be substituted namely:—

1	2	3
"4. Labour Court, Dhanbad constituted under section 7 of the said Act, by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1954, dated the 30th July, 1960.	The districts of Dhanbad, Purnea, Saharsa and Darbhanga in the State of Bihar.	
5. Labour Court (No 2), Dhanbad constituted under section 7 of the said Act, by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1697, dated the 22nd May, 1965.	The districts of Ranchi, Singhbhum, Palamau, Sahabad, Saran, Champaran and Muzaffarpur in the State of Bihar.	
5A. Labour Court No. 3, Dhanbad constituted under section 7 of the said Act, by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2279, dated the 22nd June, 1968.	The districts of Gaya, Monghyr, Patna, Santhal Pargana, Bhagalpur and Hazaribagh in the State of Bihar."	

(iii) in the entries against S. No. 19, in column 2, for the words "Labour Court, Rohtak," the words "Labour Court, Faridabad" shall be substituted.

[No. F. 1/58/68-LR1.]

New Delhi, the 12th February 1969

S.O. 669.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Pit No. 3, Chinakuri Colliery of Messrs Bengal Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen, which was received by the Central Government on the 5th February, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE No. 58 OF 1968

PARTIES:

Employers in relation to the Pit No. 3 Chinakuri Colliery of Messrs Bengal Coal Company Limited.

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, *Presiding Officer.*

APPEARANCES :

On behalf of Employers—Shri B. P. Kabi, Security Officer,

On behalf of Workmen—The two concerned workmen.

STATE : West Bengal

INDUSTRY : Coal Mines

AWARD

By Order No. 6/96/68-LRII, dated November 27, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the Pit No. 3 Chinakuri Colliery of Messrs Bengal Coal Company Limited and their workmen, to this Tribunal, for adjudication:

"Whether the management of Pit No. 3 Chinakuri Colliery of Messrs Bengal Coal Company Limited, Post Office Dishergarh (Burdwan) was justified in dismissing Sarvashri Parsuram Thakur, Pit Munshi and Sibsanker Singh, Pump Khalasi, with effect from the 29th July, 1968? If not, to what relief are these workmen entitled?"

2. The parties did not file their written statements before this tribunal. This day, however, both the workmen appeared before this tribunal personally, so also did Mr. Kabi, the Security Officer of the management. Parties filed a joint petition of compromise settling the dispute on terms. The compromise petition is signed by both the workmen, who admitted their respective signature before me. The compromise petition is also signed by Mr. Kabi on behalf of the management. Since the dispute has been settled on terms, I make an award in terms of the settlement.

Let this petition of compromise form part of this award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

January 30, 1969.

BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 58 OF 1968

PARTIES:

Employers in relation to the Pit No. 3 Chinakuri Colliery of Messrs Bengal Coal Company Limited, P.O. Dishergarh, District Burdwan.

AND

Their workmen represented by the Colliery Mazdoor Congress, Bengal Hotel, Md. Hussien Road, Asansol, Burdwan.

Joint Petition of compromise

The parties above named most respectfully beg to submit as under:

(1) That the above matter was referred for adjudication *vide* Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) Notification No. 6/96/68-LRII dated 27th November, 1968.

(2) That the said matter is pending before the Hon'ble Tribunal for adjudication.

(3) That the Parties in the meantime have mutually discussed the matter and have arrived at a settlement in terms stated hereunder:

Terms of Settlement

(a) Without prejudice to the contention of the employers that the dismissal of the workmen concerned was justified, the employers shall reinstate the workmen Sarvashri Parsuram Thakur, Pit Munshi and Sibsankar Singh, Pump Khalasi in their respective jobs.

(b) That the workmen named in Para (a) above will have no claim whatsoever for wages for the period of their unemployment from 29th July, 1968 to the date of resumption of their duties.

(c) That the period of their unemployment stated in Para (b) above will be treated as leave without pay.

(d) That the Parties will bear their respective costs of this proceeding.

(e) That this compromise will be given effect to from the date this petition of compromise is accepted by the Hon'ble Tribunal.

In the circumstances the parties herein concerned most respectfully beg to pray that this Hon'ble Tribunal may graciously be pleased to accept this compromise and pass an Award in terms thereof.

And for this the parties as in duty bound shall ever pray.

For Employers:

(Sd.) B. P. KABI,
Security Officer.

(Sd.) PARSURAM THAKUR, (Workman).

(Sd.) SIBSANKAR SINGH, (Workman).

Dated 30th January, 1969.

[No. 6/96/68-LRII.]

New Delhi, the 13th February, 1969

S.O. 670.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (17 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Messrs Equitable Coal Company Limited and their workmen, which was received by the Central Government on the 7th February, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 42 OF 1968

PARTIES:

Employers in relation to the management of Messrs Equitable Coal Company Limited,

AND

Their workmen.

PRESENT :

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri Arun Kumar Mathur, Administrative Officer.

On behalf of Workmen—Shri Panch Kori Acharya, Joint Secretary, Equitable Coal Company Limited's Chief Mining Engineer's Establishments Employees' Union.

STATE : West Bengal.

INDUSTRY : Coal Mines.

AWARD

By Order No. 6/37/68-LRII, dated August 20, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of Messrs Equitable Coal Company Limited and their workmen, for adjudication, to this Tribunal:

"Whether the management of Messrs Equitable Coal Company Limited, Dishergarh Head Office were justified in discharging Shri W. A. Walford, from service with effect from the 1st February, 1968? If not, to what relief is the workman entitled?"

2. A trade union designated as Dishergarh Head Office Employees' Union had at first espoused the cause of the concerned workman. The designation of that trade union was later on changed into Equitable Coal Company Limited's Chief Mining Engineer's Establishments Employees' Union. Written statement on behalf of the workman was filed by the redesignated trade union. An objection was raised in the written statement of the Employers that the Equitable Coal Company Limited's Chief Mining Engineers' Establishments Employees' Union had no *locus standi* to file the written statement. That objection was not, however, ultimately pressed.

3. The appointment letter of the concerned workman, W. A. Walford (Ext. A) reads:

"Appointment—Loading Supervisor.—You are hereby appointed as a Loading Supervisor on a basic salary of Rs. 250/- per month plus usual Dearness Allowance, etc. You will be on probation for 3 months and if during that period your work is not satisfactory you will be discharged without any notice or payment in lieu of notice.

You will be posted in the first instance at Bhanora Colliery but will be liable to be transferred to any other collieries of this Company as and when considered necessary."

The letter bears the date January 7, 1964.

4. In paragraph 4 of the written statement filed on behalf of the workman, it is stated that from the place of his first posting at Bhanora Colliery, Walford was transferred to the Chief Mining Engineers' Office at Dishergarh with effect from November 1, 1967. There he worked until he was discharged from his services. In paragraphs 5 to 7 of the written statement it is stated:

"5. That though Shri Walford was appointed with designation "Loading Supervisor" he was not required to do any supervisory work as will be evident from a perusal of the performances of the workman and his work consisted in visual inspection of the loading of coal into wagons at the collieries, he was deputed to visit by the Liaison Officer of the Company and in his absence by one Sri Jamini Kumar Banerjee, the Senior Clerk of the Despatch Section, working in Dishergarh Office of the Company. His job was to go and to make visual inspection of the loading of coal into wagons in different collieries and to give report to the Liaison Officer. Even in course of his checking any irregularity/irregularities, if detected by him, he had no authority either to take it up with the man in-charge on the spot, i.e., with the loading incharge or with the Wagon Loaders directly but his duty was to report such cases to the Liaison Officer for his necessary action or to the Despatch department in the former's absence.

6. That no workers or labours were ever placed under direct or indirect control of Sri Walford and he had no supervisory function for controlling the work of any other employee and his designation as "Loading Supervisor" was a complete misnomer.

7. That Sri Walford never drew wages exceeding Rs. 500.00 per month and his wages were not exceeding Rs. 500.00 at the time of his dismissal and we beg to put the Employers to the strict proof of the same."

There was an allegation of victimisation also made in the written statement. It is not disputed and it also appears from the letter of discharge (Ext. A9) that the workman Walford was discharged from services with effect from 1st February, 1968. The said letter (Ext. A9) reads:

"It is very much regretted that your services are no longer required and accordingly you are discharged from the services of the Company with effect from 1st February, 1968. You will be paid a month's salary in lieu of notice and your other dues which please collect from the cash office at Dishergarh H.O. on any working day from the 1st February, 1968."

5. In paragraphs 2 and 3 of the written statement submitted by the employers, it was said:

"(2) That this reference is bad as it does not relate to any Industrial Dispute at all in view of the concerned employee, Sri W. A. Walford not being a workman, Sri Walford was employed in a supervisory capacity and drew wages exceeding Rs. 500/- per mensem. He was a Loading Supervisor and his function was to supervise the work of the Despatch and Loading Clerks and other depot personnel of all the coal mines owned by Messrs Equitable Coal Company Ltd., viz., Bejdih, Methani, Benipur, Bhanora, Bhanora South, Jamuria A and B Pits, Jamuria 7 and 8 Pits and Kottadih Collieries to ensure proper despatch and loading of wagons, to avoid underloading and overloading, to minimise demurrage charges and to get the depot cost duly controlled and reduced by effective supervision.

(3) That the Company have been suffering enormous losses during recent years and considered that in the interest of economy the appointment of a Loading Supervisor was no longer necessary. Accordingly, he was discharged. He was not only offered due payment in lieu of notice and other legal

dues outstanding at the time of his discharge but was also offered two months' salary as ex-gratia payment. All such sums were sent to him by Insured Cover but he refused to accept the same and the cover was returned to the Employers by the Postal Department with the endorsement. "Refused by the addressee".

The other allegations in the written statement by workers' union were denied and disputed and ultimately, in paragraph 7 of the written statement of the employer, it was said:

"(7) The allegation of victimisation made at paragraph 12 of the Written Statement is incorrect and frivolous. The Company was never concerned with whether Sri Walford was a member of any Union or not. His discharge was made entirely as a measure of economy and for elimination of a post which the Company considered redundant."

6. I need state, at this stage, that no evidence, either oral or documentary, was led in order to prove economic insufficiency of the employer company. That remains merely an allegation in the written statement. I therefore hold that the ground for discharge, as pleaded in the written statement, has not been proved.

7. Nor is there any proof of the fact that the services of Walford, the concerned workman, were no longer required by the employer company, as alleged in the letter of discharge, (Ext. A9). I have, therefore, to proceed on the basis that there appears to be no ground to the discharge of the workman.

8. Now, there arises several questions of importance for consideration before me, namely:

- (i) Whether W. A. Walford was a workman at all.
- (ii) Even if a workman, whether he was a permanent workman or a workman on probation.
- (iii) If a permanent workman whether he could be discharged without following the procedure laid down under Section 25F of the Industrial Disputes Act.

There is a definition of the term 'workman' under Section 2(s) of the Industrial Disputes Act. Hereunder, I set out the material portion of the said definition:

"Workman" means any person (including an apprentice) employed in any industry, to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i) ***;
- (ii) ***;
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

The expression 'wages' as mentioned in clause (4) of the section is also defined in sub-section (rr) of Section 2 which I set out below:

"(rr) 'wages' means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of his employment or of work done in such employment, and includes—

- (i) such allowances (including dearness allowance) as the workman is for the time being entitled.
- (ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles;
- (iii) any travelling concession;

but does not include—

- (a) any bonus; (
- any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force;
- (c) any gratuity payable on the termination of his service;"

I have, therefore, to ascertain from the evidence, in the first instance, whether Walford was employed in Supervisory capacity. His letter of appointment (Ext. A) says that he was appointed as a loading supervisor. Witness A. K. Ghose, who was examined on behalf of the employers stated in his examination in chief:

"I became the Manager of Bhanora colliery from June, 1967 and continued upto May, 1968. During this period, Walford was actually supervising the loading work. He was doing so in order to avoid overloading and under loading of wagons so as to minimise the expenditure and also to minimise the demurrage charges. Walford was not directly under my control. He was working under the control of a liaison Officer and the Despatch Officer, who in their turn were working under the control of the Chief Mining Engineer's office. Walford was generally supervising the loading work and used to issue instructions to the loading in-charge and the loading clerks. He used also to inform me about the defects in work, if any, found by him and also steps taken by him to rectify the same."

In his cross-examination he said :

"(Shown Ext. A3) I have seen this document before. By this document Walford was asked to do the work of Phani Babu, during his sickness. Phani Babu was the clerk attending the Weigh Bridge. I cannot say whether Mr. Walford's designation was changed several times."

9. My attention was drawn on behalf of workmen to Ext. A5 where Walford was described as Depot Supervisor, to Ext. A6 where he was described as Group Loading Supervisor and to Ext. A8 where he was described as Loading in-charge, Loading Inspector, in an attempt to show that Walford was described under different designations from time to time. Even if that was so, the designation do not make him any less a Supervisor or an Inspector. These designations, all by themselves, indicate work in supervisory capacity. The workman Walford himself gave evidence. In course of his examination in-chief he stated :

"My duties in the colliery were to measure the wagons to see that the wagons had been properly loaded and to check weighments at the Weigh bridges and also to make a report to the Liaison Officer."

In course of cross-examination he made the following further statements :

"I had no instructions to give any advice either to the loading clerk or anybody else. My instructions were to see whether the loading had been properly done and report back to the Liaison Officer. I had never any occasion to take any report to the manager. All my reports were made to the Liaison officer. My reports will show whether the depot cost were reduced by reason of my supervision."

Thus, from the evidence it cannot but be said that Walford was employed in supervisory work, although his work may not have been of managerial in nature.

10. The next question that remains for me is to see whether he was drawing wages exceeding Rs. 500 per mensem. The management exhibited paysheet for the month of December, 1967 (Ext. 1). That shows that the total wages of the workman came upto Rs. 502.28. This document, namely Ext. 1, is however an erroneous document, as admitted by the management in letter No. SKB/MB/382/687, dated 27th February, 1968, from the Chief Mining Engineer, Messrs Equitable Coal Company Ltd., to the Assistant Labour Commissioner (Central), Asansol (Ext. 2). Hereinbelow, I set out two material paragraphs from the said letter:

"2. In addition under the coal mines bonus scheme he was entitled to a bonus of one-third of his basic salary i.e., Rs. 83.93 Since the implementation of the Wage Board Award the basic wage of Sri Walford, which has no components, has been arrived at as per the relevant accepted provisions of the Wage Board report, mentioned in Volume I, Chapter VIII, page 83, paragraph 3 in the supervisory scale B. The fixation of his basic wages as per

Wage Board at Rs. 482.00 was due to clerical error. It should have been Rs. 475.00.

3. Irrespective of whether Sri Walford's basic wages was Rs. 482.00 which he has been receiving on proper acquittance or should have been Rs. 475.00 together with the dearness allowance as prescribed by the Wage Board and other components of wage as per Payment of Wages Act, there can be no doubt whatever that Sri Walford's wages immediately prior to his discharge from service was more than Rs. 500.00 per month."

The workman was confronted with documents, Exts 1 and 2 and he gave the following reply:

"The amount of Rs. 502.28 as total wages shown in this document is erroneous. In the next salary sheet, if produced, will show that my wages were less than Rs. 500. From the month of December, 1967, I was provided with company's quarter. Before I was provided with quarters, I used to get a house rent allowance of Rs. 20 per month. That allowance was stopped when I was provided with company's quarters. Inclusive of House rent allowance, Rs. 48.71 as variable dearness allowance, Rs. 83.33 as bonus under Wage Board recommendations, total Rs. 482.04, I was getting a sum of Rs. 20, which I used to get by way of House allowance. (Shown Ext. 2), I accept that Rs. 475 as written in the letter is the correct wages payable to me. Over and above this sum I used to get Rs. 20.28 as dearness allowance recommended by the wage Board. The amount of Rs. 495 became payable to me in the month of December, 1967. The payment of house rent had ceased by that time. (Shown Ext. 1(d). This is the letter which I addressed to the C.M.E., after I shifted to the company's quarters, on the subject of payment of house rent."

The letter Ext. 1(d) referred to in the evidence is letter dated January 13, 1968, addressed by the workman to the Chief Mining Engineer and reads:

"I have shifted into company's quarters on 2nd December 1967 and had to pay a 15 days House Rent at Asansol.

So I would request you to please pay the House Rent for December, 1967 as sanctioned by you as per your letter No. D/RR/2651, 11th/12th May, 1967 for Rs. Twenty only."

There is no evidence to the contrary to what was stated by the workman. Thus the position is that on February 1, 1968 the workman was drawing wages below Rs. 500. Keeping these facts in view, I have to see how the workman fits in with the definition 'worker' under Section 2(s) of the Industrial Disputes Act. He was a person employed in an industry to do supervisory work but no managerial work for remuneration or reward and was not drawing emoluments exceeding Rs. 500 at the time of his discharge. If at any time previous to that date, he had been by mistake or otherwise paid above Rs. 500, that has least consequence before me because I am concerned with his wages at the time of his discharge.

11. Now that I hold Walford was a workman, I have to find out whether he was a permanent workman or a workman on probation. Clause 1(g) of the Standing orders for the Coal Mining Industry, adopted by the employer company [Ext. 1(a)] reads:

"A 'Permanent' employee is one who is appointed for an unlimited period or who has satisfactorily put in 6 months' continued service in a permanent post as a probationer."

It does not appear from the letter of appointment that the post in which Walford was appointed was not a permanent post. He was certainly appointed on probation for three months. It does not, however, appear that he worked unsatisfactorily. He put in continued satisfactory service very much over six months in a permanent post. Therefore, even though at first appointed as a probationer, he became by operation of clause 1(g) a permanent employee under the company.

12. Now, if workman Walford was a permanent employee under the company, could he be discharged from services of the company on payment of a mere months salary in lieu of notice? It was contended on behalf of the management such discharge was permissible under clauses 21 to 23 of the Standing Orders [Ext. 1(a)] which I set out below:—

"21. For terminating employment whether by the management or by the employee notice shall be given in writing by the party concerned.

- (a) One month's notice for monthly paid staff.
- (b) One week's notice for weekly paid employees.

22. The Management may make payment of wages which for the purpose include Dearness Allowance but exclude food and other concessions for the appropriate period in lieu of notice. When an employee draws wages on a piece-rate his weekly wages shall be computed on the average daily earnings of such employee for the days actually worked during the previous wage period where the actual earnings for that period are not known.

23. No temporary employee whether monthly paid or weekly paid or piece-rated or probationer or substitute whether monthly or weekly paid shall be entitled to any notice or pay in lieu thereof if his services are terminated."

In order to examine this point I need turn to the definition of the word 'retrenchment' under Section 2(oo) of the Industrial Disputes Act:

"(oo) 'retrenchment' means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, does not include—

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (c) termination of the service of a workman on the ground of continued ill-health;"

It is not the case of the employer that the workman voluntarily retired or was superannuated or that his services were terminated on the ground of continued ill health. It is also not the case of the employer that he was dismissed for misconduct. Nor is it the case of the management that his services were terminated for unsatisfactory probationership. The ground pleaded in the notice of discharge (Ext. A9) was that the services of the workman were no longer required. In the written statement another ground was pleaded, namely, that the economic condition of the management justified the discharge. I have already observed neither of these two grounds has been established by the employer. Therefore, the discharge was termination simpliciter of the services of the workman by the employer, within the definition of retrenchment under Section 2(oo) of the Industrial Disputes Act. If I now turn to Section 25F of the Act, the conditions precedent to retrenchment are:

"25F. No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by the employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service;

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is serviced on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the Official Gazette.)

These conditions were not fulfilled in the letter of discharge. Subsequently, however, the lacuna was sought to be made up by writing the following letter to the workman on March 8, 1968 (Ext. 3):

"I send herewith per insured cover the sum of Rs 2520.05 (Rupees Two Thousand Five Hundred and Twenty and paise five only) in full and final payment of all your dues with company, the details of which are given below:

Salary for January 1968	503.86
Notice pay for 1 month	503.86
Arrear Wages (15-8-67 to 31-8-67)	
Arrear wages (1-9-67 to 30-10-67)	173.66
Increased D.A. (1-10-67 to 31-12-67)	25.74 Rs. 1255.36

Less salary paid in excess for November & December 67 @ Rs. 7/- P.M.	Rs. 14.00	
Adhoc payment made	36.00	
P.F. Deduction	100.00	150.40
		<hr/>
Two months extra wages @ Rs. 503.86 per month	1007.72	1104.96
Less P. F. Deduction	80.64	927.08
	<hr/>	<hr/>
Quarterly bonus for Q.E. Dec. 67	142.50	142.50
4% P. S. Bonus for 1966	189.04	189.04
4% P. S. Bonus for 1967		
Less paid in Q. Bonus for quarters ending September, 1967	210.22 } 53.75 }	156.47
		<hr/>
		2524.05

Kindly acknowledge receipt."

It appears from the Postal cover that the letter was sent under Insured-post and on the cover there is an endorsement to the effect 'Refused by the Addressee'. The workman was shown the letter and he stated:

"The envelope has been correctly addressed. The letter was not delivered to myself. I cannot say whether the letter was refused by anybody in my family but I did not myself refuse the letter."

I therefore proceed on the basis that such a cover was sent to the workman.

13. Now, the case of the employer is not that the workman was retrenched. The procedure for retrenchment was not followed. The letter, Exl. 3, does not fulfil the conditions precedent to retrenchment. The letter was written more than a month after the order of discharge. Therefore, I cannot treat the order of discharge as an order of retrenchment.

14. Since a permanent employee like the concerned workman can only be discharged by following the legal procedure and since the procedure for his discharge is not in consonant with any legal procedure, I have to hold that the discharge of W. A. Walford from services with effect from 1st February, 1968 was not justified. The relief to which he is entitled is reinstatement to his own service with effect from the date of his discharge. Since there is no evidence that the workman was wholly unemployed ever since after his discharge. I direct that he will be paid half the average wages due to him from February 1, 1968 till his reinstatement in service.

This is my award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated: February 4, 1969

[No. 6/37/68-LRIL]

ORDERS

New Delhi, the 10th February 1969

S.O. 671.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Prosonna Dutta Kajora Colliery, Post Office Kajoram, District Burdwan and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the Management of Prosonna Dutta Kajora Colliery, Post Office Kajora-gram, District Burdwan, was justified in terminating the services of Shri Sukhari Singh with effect from the 22nd September, 1968? If not, to what relief is the workman entitled?

[No. 6/128/68-LRI.]

New Delhi, the 11th February 1969

S.O. 672.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Dalmia Magnesite Corporation, Salem and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Tajammul Hussain as Presiding Officer with Headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the contract system existing in the mines and factory of Messrs Dalmia Magnesite Corporation should be abolished and the employees under their contractor be taken over as direct employees of the Company without any break in their service and the pay scales and other amenities as are applicable to direct employees extended to them?

[No. 35(24)-68-LRI.]

S.O. 673.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Star Construction and Transport Company Limited, Sankari West Post Office and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Tajammul Hussain as Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

(i) Whether the dismissal of the following 7 workmen by Messrs Star Construction and Transport Company, Sankari West, Post Office Salem District was justified? If not, to what relief are the workmen entitled?

1. Shri R. Kandaswamy, Driver.
2. Shri K. V. Baskaran, Driver.
3. Shri P. R. Narayanan, Mate.
4. Shri C. Salvadas, Token No. 518.
5. Shri Raman Chetty, T. No. 22.
6. Shri Madappan, T. No. 603.
7. S. Balraj, T. No. 31.

(ii) Whether the termination of service of Shri C. Mari, with effect from the 31st August, 1968, by the Star Construction and Transport Company, Sankari West Post Office, Salem District, without informing him that he was found medically unfit was justified? If not, to what relief is the employee entitled?

[No. 36/61/68-LRI.]

S.O. 674.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs. H. G. Pandaya, Contractor, Gua Iron Ore Mines of Indian Iron and Steel Company Limited, Post Office Gua, District Singhbhum and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, (No. 3) Dhanbad constituted under section 7A of the said Act.

SCHEDULE

Whether Messrs H. G. Pandaya Contractor at Gua Iron Ore Mines of Messrs Indian Iron and Steel Company Limited, Post Office Gua was justified in terminating the services of Mrs. Marsha Suren W/o Soban Suren with effect from the 29th June, 1968? If not to what relief is she entitled?

[No. 37/1/69-LRI.]

S.O. 675.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Shreeram Durga Prasad Ores (Private) Limited, Tumsar (Maharashtra State) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether the action of the management of Messrs Shreeram Durga Prasad Ores Private Limited in dismissing Shri Ramchand Thaker Ex-driller of G.F.B.T. Range Sitlagarh Hamesha Manganese Mines with effect from the 7th February, 1968 was justified?

- (ii) If not, to what relief, is the workman entitled

[No. 35(25)/68-LRI.]

S.O. 676.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jaipur Udyog Limited Phalodi Quarry, Sawaimadhopur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma as the Presiding Officer with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the action of the management of Phalodi Quarry, Sawaimadhopur in scoring out the name of their employee, Shri Pratapa from the rolls of the company with effect from the 21st November, 1967, was legal and justified? If not, to what relief is he entitled?

[No. 36(51)/68-LRI.]

New Delhi, the 12th February, 1969

S.O. 677.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Ashakutty/Phularitand Colliery of Messrs Ashakutty Coal Company Limited, Post Office Katrasgarh, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Ashakuty/Phularitand Colliery of Messrs. Ashakuty Coal Company Limited, Post Office Katrasgarh, District Dhanbad was justified in suspending the workman Shri Lakhi Chand Saw, H.P. Miner, with effect from the 14th April, 1968 pending enquiries, and in dismissing him ultimately with effect from the 5th June, 1968? If not, to what relief is the workman entitled?

[No. 2/252/68-LRII.]

S.O. 678.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhuggatdih Rise Area Colliery, Post Office Jharia (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Bhuggatdih Rise Area Colliery, Post Office Jharia (Dhanbad), was justified in dismissing Sarvashri Nirhoo Rabidas and Chandradav Mahato, Miners with effect from the 14th May, 1968 and Shri Dinanath Shau, Miner with effect from the 27th May, 1968? If not, to what relief are these workmen entitled?

[No. 2/226/68-LRII.]

New Delhi, the 17th February, 1969

S.O. 679.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs. Associated Cement Company Limited, Madukkarai and their workmen in respect of the matters specified in the Schedule hereto annexed:

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Tajummal Hussain as Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the Industrial Tribunal.

SCHEDULE

I. Whether the Associated Cement Companies Limited, Madukkarai, were justified in terminating the services of Shri Ponnann-Marudan. Breaker, without notice?

II. I not, to what relief is he entitled?

[No. 36/53/68-LRI.]

CORRIGENDA

New Delhi, the 14th February, 1969

S.O. 680.—In the order of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3712 dated the 14th October, 1968, published in Part II—Section 3 of sub-section (ii) of the Gazette of India dated October 19, 1968, at page 4796, in the Schedule, for “the 30th June, 1968” read “afternoon of 30th June, 1968”.

[No. 36/27/68-LRI.]

New Delhi, the 17th February, 1969

S.O. 681.—In the order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3711 dated the 14th October, 1968, published in Part II—Section 3 of sub-section (ii) of the Gazette of India dated October 19, 1968 at page 4796, in the Schedule for “the 30th June, 1968” read “afternoon of 30th June, 1968”.

[No. 36/25/68-I.R.I.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 7th February 1969

S.O. 682.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. No. 3010 dated the 28th August, 1968 published on pages 3974-75 in Part II, Section 3, Sub-Section (ii) of the Gazette of India dated the 7th September, 1968 namely :—

In the Schedule appended to the said notification, against Serial No. 1 the entry relating to Velampalayam in column 3 and its corresponding entry in column 4 shall be omitted.

[No. 6/27/68-HI.]

S.O. 683.—Whereas the Central Government was satisfied that

1. Senniappa Mills
2. Sowdambigai Motor Service Workshop.
3. M. R. Balasubramanya Chettiar Rice Mill.

were situated in Dharapuram area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Coimbatore in the State of Madras;

And, whereas by virtue of their location in a sparse area, the aforesaid factories were granted exemption from the payment of the employers' special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1114, dated the 6th April, 1963;

And, whereas the Central Government is satisfied that the insurable population of the Dharapuram area in the district of Coimbatore in the State of Madras has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely :—

in the schedule to the notification of the Government of India in the late Ministry of Labour, and Employment No. S.O. 1114, dated the 6th April, 1963, against serial No. 1 relating to Coimbatore the entry Dharapuram in column 3 and the corresponding entries against it in column 4 shall be omitted.

[No. F.6(27)/68-HI(i).]

S.O. 684.—Whereas the Central Government was satisfied that The Coimbatore District Co-operative Spinning Mills Ltd., Dharapuram, Karur Road, Kolathupalayam was situated in Dharapuram area which was sparse area (that is, an area whose insurable population was less than 500) in the district of Coimbatore in the State of Madras;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3207, dated the 17th October, 1966;

And, whereas the Central Government is satisfied that the insurable population of the Dharapuram area in the district of Coimbatore in the State of Madras has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification namely :—

in the schedule to the said notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour, and Employment) No. S.O. 3207 dated the 17th October, 1966 against serial No. 2 relating to Coimbatore the entry Dharapuram in column 3 and the corresponding entries against it in column 4 shall be omitted.

[No. F.6/27/68-HI(ii).]

S.O. 685.—Whereas the Central Government was satisfied that Shamuga Rice and Oil Mills, Malathupalayam was situated in Dharapuram, area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Coimbatore in the State of Madras;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 581, dated the 20th February, 1962:

And, whereas the Central Government is satisfied that the insurable population of the Dharapuram area in the district of Coimbatore in the State of Madras has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely :—

in the schedule to the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 581 dated the 20th February, 1962 against serial No. 2 relating to Coimbatore the entry 'Dharapuram' in column 3 and the corresponding entries against it in column 4 shall be omitted.

[No. F.6/27/68-HI(iii).]

S.O. 686.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the Damodar Valley Corporation sub-station, Howrah, from all the provisions of the said Act except Chapter VA thereof, for a further period up to and including the 31st March, 1969.

[No. 6(2)/69-HI.]

New Delhi, the 10th February 1969

S.O. 687.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Oriental Timber Industries, Post Box No. 15, Trunk Road, Chalakudy, Kerala State have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June, 1968.

[No. 8/155/68/PP.II.]

S.O. 688.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Flexsteels Corporation, 10, Bruce Street, Fort, Bombay-1, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June, 1966.

[No. 8/150/68-PF.II.]

S.O. 689.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs of Prabhat Talkies, Karanja, Akola, Maharashtra State, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of July, 1968.

[No. 8/193/68/-PF.II.]

S.O. 690.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Jadavpur University Consumer Cooperative Stores Limited, Raja S. C. Mallick Road, Calcutta-32, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 30th November, 1968.

[No. 8/152/68-PF.II.]

S.O. 691.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Saroj Talkies, Yeotmal, Maharashtra have agreed that the provisions of the Employees' Provident Funds, Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of July, 1968.

[No. 8/191/68-PF.II.]

S.O. 692.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Shriniwas Textiles, 37, Armenian Street, Calcutta-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of March, 1968.

[No. 8/184/68-PF.II.]

New Delhi, the 12th February, 1969

S.O. 693.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the Machine Shop-cum-Tool Room, Calcutta-2, and the Chrome Tanning Extension Centre, Calcutta-46, in implemented areas hereby exempts the said factories from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a period of one year upto and inclusive of the 31st December, 1969.

[No. F.6(58)/67-HI.]

S.O. 694.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the Diesel Power House owned by the Bombay Port Trust, Bombay in an implemented area, hereby exempts the said power house from payment of the employers' special contribution leviable under Chapter VA of the said Act for a period upto and inclusive of the 4th November, 1969.

[No. F.6/5/69-HI.]

New Delhi, the 13th February 1969

S.O. 695.—In exercise of the powers conferred by sub-section (1) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4340, dated the 15th November, 1967, the Central Government hereby appoints Shri K. L. Jhingan as the Central Provident Funds Commissioner, with effect from the 20th January, 1969.

[No. 15(4)/69-PF I(i).]

S.O. 696.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. No. 4341, dated 15th November, 1967, the Central Government hereby appoints Shri K. L. Jhingan to be an Inspector for the territories to which the said Act extends for the purposes of the said Act or of any Scheme framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field, or a controlled industry.

[No. 15(4)/69-PF I(ii).]

S.O. 697.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as The Golden Rock Rubber Estate of Macker Pillay and Sons (P) Ltd., Alwaye-I, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of October, 1968.

[No. 8/157/68-PF-II.]

S.O. 698.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that, with effect from the 30th November, 1968, section 6 of the said Act shall, in its application to Messrs Dadha and Company Private Limited, 86 Nyniappa Naic Street, Post Box No. 541, Madras-3 be subject to the modification that for the words, "six and a quarter per cent", the words "eight per cent" were substituted.

[No. 8/158/68-PF-II.]

S.O. 699.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Dadha and Company Private Limited 86 Nyniappa Naick Street, Post Box No. 541, Madras-3, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 30th November, 1968.

[No. 8/158/68-PF-II.]

New Delhi, the 14th February 1969

S.O. 700.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 23rd day of February, 1969 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Punjab, namely:—

S. No.	Name of Area	Name of village	Had Bast No.
1	Chak Hakiman (District Phagwara)	Chak Hakiman	75
2	Hadyabad (District Phagwara)	Hadyabad	98
3	Diwan Khan Jagir (District Kapurthala)	Diwan Khan Jagir	147
4	Dhaliwal Dona (District Kapurthala)	Dhaliwal Dona	148
5	Mansurwal (District Kapurthala)	Mansurwal	149

[No. F. 13(5)/69-HL.]

DALJIT SINGH, Under Secy.

S.O. 701.—Omitted.

अम, नियोजन और पनर्वात मंत्रालय

(अम एवं नियोजन विभाग)

नई दिल्ली, 10 फरवरी 1969

एत० अ० 702.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ग्रोरिएन्टल टिम्बर इन्डस्ट्रीज, पोस्ट बाक्स न० 15, ट्रंक रोड़, चालकुटि, केरल राज्य नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गयी है कि कर्मचारी भविष्य निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये :

अतः अब उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना जून, 1966 के 30वें दिन को प्रवृत्त हुई समझी जायेगी।

[सं० 8-155/68-अ० नि० 2]

ए० ओ० 703.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स फ्लैक्स-स्टील्स कारपोरेशन, 10, ब्रूस स्ट्रीट, फोर्ट, मुम्बई-1 नामक स्थापन के संबंध में नियोजक और बहुसंख्यक कर्मचारी इस बात पर सहमत हो गये हैं कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू होना चाहिये ।

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त स्थापन को उक्त अधिनियम के उपबन्ध एतद्वारा लागू करती है ।

यह अधिसूचना जून, 1966 के तीसवें दिन को प्रवृत्त हुई समझी जायेगी ।

[सं० 8-150-68/पी० एफ०-2.]

ए० ओ० 704.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स प्रभात टाकीज, करंज, अकोला महाराष्ट्र राज्य नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये ;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है ।

यह अधिसूचना जुलाई, 1968 के 31 वें दिन को प्रवृत्त हुई समझी जाएगी ।

[सं० 8/193/68/भ० नि० 2.]

ए० ओ० 705.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि जादबपुर यूनीवर्सिटी कंज्यूमर कोऑपरेटिव स्टोर लिमिटेड, राजा एस० सी० मलिक रोड, कलकत्ता-32 नामक स्थापन से संबद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये ;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को 30 नवम्बर, 1968 से एतद्वारा लागू करती है ।

[सं० 8/152/68/भ० नि० 2.]

ए० ओ० 706.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सरोज टाकीज, यवत-माल महाराष्ट्र नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद् द्वारा लागू करती है।

यह अधिसूचना जुलाई, 1968 के 31वें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/151/68/भ० नि०-2.]

ए०० श्री० 707.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्रीनिवास टैक्स-टाइल्स, 37 आर्मेनियन स्ट्रीट, कलकत्ता-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गयी है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए।

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद् द्वारा लागू करती है।

यह अधिसूचना मार्च, 1968 के 31वें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/184/68/भ० नि०-2.]

नई दिल्ली, 13 फरवरी 1969

ए०० श्री० 708.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि गोल्डन रोक रबर एस्टेट ऑफ मेकर पिल्ले एण्ड सन्स (प्रा०) लि० अलबाय-1 नामक स्थापन से संबंधित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः अब उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद् द्वारा लागू करती है।

यह अधिसूचना अक्टूबर, 1968 के 31वें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/157/68/भ० नि०-2.]

ए०० श्री० 709.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स दाधा एण्ड कम्पनी प्राइवेट लिमिटेड 86 निनियप्पा नायक स्ट्रीट, पोस्ट बाक्स नं० 541 मद्रास-3 नामक स्थापन से संबंधित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को 30 नवम्बर, 1968 से एतद् द्वारा लागू करती है।

[सं० 8/158/68-भ० नि०-2.]

ए०० श्री० 710.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार मामले में आवश्यक जाँच करने के पश्चात् एतद् द्वारा विनिर्दिष्ट करती है कि 30 नवम्बर, 1968 से उक्त अधिनियम की धारा 6, मेसर्स दाधा एण्ड कम्पनी प्राइवेट लिमिटेड, 86 निनियप्पा नायक स्ट्रीट,

प्लेट वाक्स नं० 541, मद्रास-3 को उसके लागू होने के संबंध में इस उपान्तर के अध्याधीन होगी कि "सवा छः प्रतिशत" शब्दों के लिए "आठ प्रतिशत" शब्द प्रतिस्थापित कर दिए गये हैं।

[सं० 8/158/68/भ० नि०-2.]

वलजीत सिंह, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 12th February 1969

S.O. 711.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the Pandyan Insurance Company Limited, Madurai and their workmen, which was received by the Central Government on the 5th February, 1969.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS

Thursday, the 16th day of January, 1969

PRESENT:

Thiru M. Taja Mul Hussain, B.A., B.L., Industrial Tribunal, Madras.

INDUSTRIAL DISPUTE No. 19 OF 1968

[In the matter of the dispute for adjudication U/S. 7A and Sub-Section (2) of Section 10 of the I. D. Act between the workmen and the management of Pandyan Insurance Company Ltd., Madurai-1.]

BETWEEN

1. The General Secretary, Pandyan Insurance Employees' Union (Regd. No. 2522). 'Pandyan Building', West Veli Street, Madurai-1.
2. The General Secretary, Staff Union of Pandyan Insurance Co. Limited (Regd. No. 2914), 'Pandyan Building', West Veli Street, Madurai-1.

AND

The Manager, Pandyan Insurance Co. Ltd., 'Pandyan Building', West Veli Street, Madurai-1.

Reference :

Order No. F. No. 74/12/67/LR/III dated 4-1-1968 of the Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment), Government of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 31st day of October, 1968, upon perusing the reference, claim and counter statements, and all other material papers on record, and upon hearing the arguments of Thiru N. G. R. Prasad, advocate for the Unions and of Thiruvalargal C. Doraiswamy and T. S. Gopalan advocates of M/s. King and Partridge for the management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This is a reference by the Central Government of a dispute between the workmen and the management of Pandyan Insurance Co., Madurai with regard to a number of demands, which are set out in the Schedule to the reference.

2. This industrial dispute relates to the demands of the monthly-rated clerical and non-clerical employees of the Company at the Head Office at Madurai and at various branches of the Pandyan Insurance Company, except Bombay and Calcutta. The demands of the employees covered the subjects of monetary benefits such as wage-scales, dearness allowance, special allowances, adjustments, bonus, leave facilities, loan facilities, medical facilities and other amenities such as canteen facility. The workmen involved include cleaners, sweepers, peons, watchmen, drivers, electrician, caretaker, clerks and typists. Two Unions have filed two separate claim statements, which are identical in statement of

facts and demands are sought to be justified on identical grounds. It is therefore sufficient to set out the allegations in one of the claim statements on behalf of the workmen, with regard to the various demands.

3. The demands of the employees are set out in the schedule and annexure to the reference, and are as follows:—

<i>Demands.</i>	
1. <i>Scales of Pay</i>	
A. Cleaners and sweepers	Rs. 130—5—150—6—180—7— 236—9—245 18 years.
B. Peons.	Rs. 145—6—175—7—231—9— 276 18 years.
C. Watchmen	Rs. 175—7—231—9—285—10— 305. 16 years.
D. Drivers and Electrician.	Rs. 210—8—242—10—272—12— —296—14—310—15—325. 11 years.
E. Caretaker.	Rs. 210—10—250—12—310—15— —400. 15 years.
F. Assistants at present termed as Clerks and Typists.	Rs. 250—12—310—15—400—20— —540. 18 years.
G. Senior Assistants at present termed/as Section Heads.	Rs. 300—20—460—25—635 15 years.

NOTE:—Employees who are at present in the maximum of the respective grades or will reach the maximum of the respective grades in future, shall receive one additional increment for every two years of service put in after reaching the maximum of the respective grades, provided, however, such increments shall not be more than five in number. Such increments shall be paid to the employees on the basis of the last incremental slab in the revised grade.

N. B.—A graduate or a Diploma Holder in Accountancy and Commercial Subjects, shall get a higher starting salary by two increments. Those, who have not received such increments shall also get two increments.

2. *Adjustments.*—(a) An employee shall be fitted into the new scales on a point to point basis.

(b) The additional or extra amount obtained by special increments or promotions in the basic pay of an employee than years of service would warrant, shall be treated as "PERSONAL PAY" of the employee.

(c) The personal pay for which an employee thus becomes entitled shall be paid in addition to the basic pay due to him as indicated in 2(a) above and notwithstanding his reaching the maximum in his scale of pay.

(d) The personal pay for all practical purposes be treated as Basic Pay in so far as all the benefits entitled to the employees are concerned.

3. *Dearness allowance.*—The Dearness Allowance shall be linked to the All India Working Class Consumer Price Index taking 1949=100.

The Dearness allowance shall be paid at the rate of 1% of basic pay for every rise of one point over 100 in the consumer Price index, similarly, for every fall of one point in the Consumer Price Index, the Dearness Allowance shall stand decreased at the rate of 1% of basic pay.

Such adjustments of Dearness Allowance shall be made with effect from the first of the following month in which the index figure is published in the Indian Labour Journal.

4. *Other Allowances:* (a) *Overtime Allowance.*—The employees in the categories mentioned in 1 above working over time shall be entitled to "Overtime Allowance" for such period of work rendered at the rate of double the hourly rate of wages inclusive of all allowances. No employee shall be engaged in overtime work for more than 90 hours in a calendar year.

(b) *Officiating Allowance.*—(i) If an employee is required to officiate in a higher post, he shall be entitled to an "Acting Allowance" at the rate of 20% of his salary for the period during which he officiates.

(ii) If an employee is required to act in a post for which special pay or allowance is provided, he shall be entitled to *pro-rata* special pay or allowance for the period of such work done.

(c) *House Rent Allowance*.—All the employees in the categories mentioned in 1 above shall be paid as "House Rent" a sum at the rate of 10% of their basic salary per mensem subject to a minimum of Rs. 30 per mensem.

(d) *Children Allowance*.—All the employees in the categories mentioned in 1 above shall be paid "Children Allowance" at the rate of Rs. 15/- per month per child subject to a maximum of Rs. 30/-.

(e) *Special Allowance*.—Employees engaged in work mentioned below and/or designated as below shall be entitled to Special Allowance per mensem in addition to their salaries and emoluments in the manner stated below:

(i) Peons, Watchmen, Drivers Electrician
and Caretaker

Rs. 20/- per month.

(ii) Typists

Rs. 30/- per month.

5. *Amenities* : (a) *Free Medical Aid*.—All the employees in the categories mentioned in 1 above, shall be entitled to free Medical Aid for selves and their dependants. All the cost of hospitalisation, medicines and doctors bills should be borne by the Company.

(b) *Subsidy for cheap canteens*.—Adequate subsidy shall be given for cheap canteen facility for supply of wholesome food to the employees.

(c) *Subsidy for Sports, Cultural and Recreation Activities*.—Adequate subsidy shall be given for promotion of sports, recreation and cultural activities.

(d) *Free Personal Accident Policy*.—All the employees, in the categories mentioned in 1 above, shall be entitled to a free personal accident (annual) Policy, the premium for which shall be borne by the Company. The sum assured of such a policy shall be as under:—

<i>Categories of employees.</i>	<i>Sum assured.</i>
	Rs.
For assistants and Senior Assistants	10,000
For Drivers, Electrician and Caretaker	7,500
For Peons and Watchmen	5,000
For Cleaners and Sweepers	2,500

(e) *Employees' Co-operative Credit Society*.—(i) The Company shall make investments liberally in the Pandyan Insurance Company Employees' Co-operative Credit Society.

(ii) The Company shall also be prepared to render liberal assistance to the Society as and when necessary.

6. *Bonus*.—Bonus shall be paid to all the employees in the categories mentioned in 1 above, annually equivalent to three months' salary inclusive of Dearness Allowance.

7. *Gratuity*.—Where—

(a) an employee has been in continuous service of the company for not less than five years, from the date of appointment; and

(i) his services are terminated by the company for any reason whatsoever, or

(ii) he voluntarily resigns from the service of the company, or

(b) an employee—

(i) dies while he is in the service of the company, or

(ii) retires from the service of the company on his reaching the age of superannuation; or

- (iii) his services are terminated by the Company or he has been required to retire on account of certified permanent incapacity due to bodily or mental infirmity;

The employee, or, as the case may be, (his nominee or nominees or if no nomination has been made or is subsisting, his heirs) shall be paid on such termination, retirement, resignation or death by the Company gratuity which shall be equivalent to one month's salary on the date of termination of service for every completed year of service or any part thereof in excess of six months with the company subject to a maximum of twenty months' salary on the date of termination of service.

8. *Provident Fund*.—The rate of contributions shall be 10% of the total emoluments with equal contributions by the company.

9. *Leave and Permissions* : (a) *Casual Leave*.—15 days casual leave should be given in a calendar year. 6 days casual leave may be granted at a stretch.

(b) *Privilege Leave*.—Privilege leave should be allowed to all employees in the categories mentioned in 1 above, at the rate of 1 day for every 11 calendar days. Employees should be allowed to accumulate leave up to 6 months. All Privilege leave standing due to the credit of an employee at the time of his retirement, termination or death shall have to be encashed and paid to him or to his nominee or heir as the case may be.

(c) *Sick leave*.—30 days sick leave per year should be allowed to full pay to the employees with a maximum accumulation of twelve months. In case of prolonged illness further sick leave with half pay should be allowed up to six months and another six months without pay.

(d) *Examination Leave*.—Employees shall be allowed adequate leave for appearing in all the recognised examinations in addition to all other leave.

(e) *Permissions*.—The employees shall be entitled to twenty-four permissions each for a period not exceeding one and a half hours, in a year.

10. *Promotions*.—Promotion Rules should be finalised and determined from time to time through negotiation between the Pandyan Insurance Company Limited and Pandyan Insurance Employees' Union representing the employees in the Company.

11. *Working Hours*.—The working hours for employees in the Assistants and Senior Assistants cadres shall be 33 hours a week and 36 hours for all other employees.

12. *Loan Facilities*.—AS PER ANNEXURE.

13. *Recruitment*.—(a) Any employee recruited by the company shall be paid the minimum of the grade. No employee shall be recruited on daily, weekly or any other *ad hoc* basis.

(b) For all future recruitments, preference shall be given to the dependents of the existing as well as *ex-employees*.

14. *Existing Rights and Privileges*.—Nothing contained in this Chapter shall adversely affect or take away from any employee or group of employees any rights, privileges or usages, practice or conventions, amenities or other conditions of service that are already vested in or enjoyed by such employee or group of employees.

15. *Date of Effect*.—All benefits in this Chapter of Demands shall have effect from the 2nd day of June, 1967.

16. *Trade Union Rights*.—(a) The Pandyan Insurance Company Limited shall recognise the Pandyan Insurance Employees' Union as the sole bargaining agents of the employees of the company.

(b) The Pandyan Insurance Co., Ltd., shall provide necessary space for office accommodation of the Pandyan Insurance Employees Union.

(c) Adequate special leave shall be allowed to the Union Representatives to enable them to attend the meetings and conferences of the Union and its Central and State Organisations.

ANNEXURE

Loan Facilities

- Loans will be given to workmen only for useful or necessary purposes.
- All applications for loans will be made to the company in the form, if any, prescribed for the purpose.

3. Such loans will be classified into three categories, viz.,—

- I. Long Term Loans;
- II. Short Term Loans; and
- III. festival and other advances.

4. No workman shall be entitled for all the three loans or for both the first and the second or for both the second and the third at a time.

5. Interest will be calculated on daily balance of principal.

I—Long Term Loans

1. *Purposes.*—Loans under this category shall be given only for the following purpose:—

- (a) To purchase land.
- (b) To construct a house or for carrying out a major alteration or addition or repairs.
- (c) To purchase a house.
- (d) To clear off debts incurred in the above connections.

The deeds of all such properties will be in the name(s) of the workman and/or his wife and/or his children.

2. *Maximum Eligibility.*—Loan shall be granted to confirmed individual workmen at the following rates:—

- (a) Rs. 12,000/- for Cleaners, Sweepers, Peons, Watchmen, Drivers, Electrician and Caretaker.

Rs. 25,000/- for Assistants and Senior Assistants.

or

- (b) 5 years' salary for each workman,

WHICHEVER IS HIGHER.

3. *Period of Repayment.*—Period of repayment of loan shall be 25 years or the date of retirement whichever is earlier and the first instalment shall start only after one year after the completion of the buildings.

The borrower shall be free to reduce the principal amount of the loan by any lump sum payment in addition to monthly repayments collected and to clear off the loan earlier than the period agreed before.

4. No interest shall be charged on this loan.

Special Provision.—In the case of Long Term Loans, the amount of loan sanctioned may be paid by the Company in instalments not exceeding three in number, as and when desired by the applicant.

II—Short Term Loans

1. *Purposes.*—(a) To meet the expenses in connection with the marriage of the workman or any of his family members.

- (b) To meet the medical expenses for self and family.

- (c) To meet funeral expenses.

- (d) To purchase essential articles for personal and domestic use.

- (e) To clear off debts incurred in the above connections.

- (f) For all such purposes as are being allowed at present but not specifically covered above or under categories I and III.

2. *Maximum Eligibility.*—(i) 80% of own and Company's contribution to P. F. with interest, if the service exceeds six years.

(ii) 80% of own contribution to P. F. with interest if the service is below six years.

3. *Period of Repayment.*—Maximum 3 years—in 36 instalments.

The borrower shall be free to reduce the principal amount of the loan by any lump sum payment in addition to monthly repayments collected and to clear off the loan earlier than the period agreed before.

4. Interest shall be charged at 3% per annum from the date of payment.

III—Festival and Other Advances

1. *Purposes.*—(a) To meet expenses in connection with the religious or other festivals and functions.
- (b) To purchase essential articles for personal and domestic use.
2. *Maximum Eligibility.*—Two months' total emoluments (wages and D.As) or Rs. 400/- whichever is less.
3. *Period of Repayment.*—1 year—in 12 equal monthly instalments.
4. No interest shall be charged on such advances.

Memo of Demands

I

Change of designation.—Clerks and Typists shall be forthwith designated as 'Assistants'.

II

Revision of Pay Structure.—

- | | | |
|--|-------------------------------|-----------|
| A. Assistants at present termed as Clerks and Typists. | Rs. 250-12-310-15-400-20-540. | 18 years |
| B. Record Attender | Rs. 225-10-266-12-325-15-415. | 15 years. |
| C. Peons & Lift Operator | Rs. 145-6-175-7-231-9-276. | 18 years. |

III

Adjustments and Increase in Emoluments.—(a) An employee shall be fitted into the new scales on a point to point basis.

(b) The additional or extra amount obtained by special increments or promotions in the basic pay of an employee than years of service would warrant, shall be treated as "PERSONAL PAY" of the employee.

(c) The personal pay for which an employee thus becomes entitled shall be paid in addition to the basic pay due to him as indicated in III(a) above and notwithstanding his reaching the maximum in his scale of pay.

(d) The personal pay for all practical purposes be treated as basic pay in so far as all the benefits entitled to the employees are concerned.

IV

Dearness Allowance.—The Dearness Allowance shall be linked to the All India Working Class Consumer Price Index taking 1949+100.

The Dearness allowance shall be paid at the rate of 1% of basic pay for every rise of one point over 100 in the consumer price index. Similarly, for every fall of one point in the Consumer Price Index, the Dearness Allowance shall stand decreased at the rate of 1% of basic pay.

Such adjustments of Dearness Allowance shall be made with effect from the first of the following month for which the index figure is published in the Indian Labour Journal.

V

House Rent Allowance.—With growing urbanisation, the rates of house rents are becoming very high and it takes away a substantial share of our emoluments. Hence our demand for house rent as under:—

"10% of the basic pay subject to a minimum of Rs. 30/- per mensem".

VI

Hours of work.—The working hours for employees in the Assistants and Senior Assistants cadres and Record Attender shall be 33 hours a week and 36 hours for all other employees.

VII

Leave facilities : (a) *Casual Leave.*—15 days casual leave should be given in a calendar year. 6 days casual leave may be granted at a stretch.

(b) *Privilege Leave.*—Privilege leave should be allowed to all employees in the categories mentioned in II & VIII, at the rate of 1 day for every 11 calendar days. Employees should be allowed to accumulate leave up to 6 months. All privilege leave standing due to the credit of an employee at the time of his retirement, termination or death shall have to be encashed and paid to him or to his nominee or heir as the case may be.

(c) *Sick Leave.*—30 days sick leave per year should be allowed on full pay to the employees with a maximum accumulation of twelve months. In case of prolonged illness further sick leave with half pay should be allowed up to six months and another six months without pay.

(d) Adequate special leave shall be allowed to the Union representatives to enable them to attend the Meetings and Conferences of the Union and its Central and State Organisations.

VIII

Section Heads.—The existing sectional heads shall be designated as "Senior Assistants" and fitted in the following grade:—

Rs. 300—20—460—25—635. 15 years.

The Head Peon shall be fitted in the grades—

Rs. 185—7—241—9—295—10—315. 16 years.

IX

Loan facilities.—The unduly exorbitant rate of interest exceeding 8% for loans as prevailing in our office at present is not at all beneficial to the staff. For every essential purposes like house building, repairing of houses, purchase of plots and/or houses, loans should be granted free of interest and in respect of other purposes a minimum of interest of 3% alone should be charged.

X

Medical facilities.—In the existing arrangement for medical treatment the following need to be included.

(a) The recovery of Re. 1/- per day towards diet charges from the staff who are admitted in the Christian Mission Hospital should be waived. Diet charges should be borne by the company during hospitalisation.

(b) Arrangements should be made with the Christian Mission Hospital for periodical medical check up of the staff.

(c) Free medical aid for ordinary ailments should be given to the facilities of the staff.

(d) Dental charges, as an exception from other medical expenses, is now borne by the staff which shall henceforth form part of the usual medical expenses borne by the company. Dentures and spectacles shall also be supplied free of cost to the staff when prescribed by the doctor.

(e) In addition to the existing arrangement with the Christian Mission Hospital, Madurai the Company shall nominate two authorised doctors and the employees at Head Office shall have the option of receiving treatment from the authorised doctors or the Christian Mission Hospital, Madurai.

XI

Canteen facility.—The Company shall provide for adequately subsidised cheap canteen for supply of wholesome food to its employees.

XII

Staff Welfare Funds.—The company shall create a fund by this name to be utilised for social, cultural and educational development of the staff. The present library maintained by the company should be, at regular intervals enriched with more books and periodicals.

XIII

Other Allowances : (a) Overtime Allowance.—The employees in the categories mentioned in II and VIII working overtime shall be entitled to "Overtime Allowance" for such period of work rendered at the rate of double the hourly rate of wages inclusive of all allowances. No employee shall be engaged in overtime work for more than 90 hours in a calendar year.

(b) *Special Allowance.*—Employees engaged in work mentioned below and/or designated as below shall be entitled to Special Allowance per mensem in addition to their salaries and emoluments in the manner stated below:—

(i) Peons and Lift Operator	Rs. 20/- per month.
(ii) Typists	Rs. 30/- per month.

XIV

Bonus.—Bonus shall be paid to all the employees in the categories mentioned in II & VIII above, annually equivalent to three months' salary inclusive of Dearness Allowance

XV

Provident Fund.—The rate of contributions shall be 10% of the total emoluments with equal contributions by the company.

XVI

Existing Rights and Privileges.—Nothing contained in this memorandum of Demands shall adversely affect or take away from any employee or group of employees any rights, privileges or usages, practice or conventions, amenities or other conditions of service that are already vested in or enjoyed by such employee or group of employees.

XVII

Date effect.—All benefits in this memorandum of demands shall have effect from the 1st day of June, 1967.

4. The material allegations in the claim statements are these:—

The service conditions need radical changes. There is only one scale of pay for the entire clerical cadre and this scale too is inadequate. It does not conform to any well recognised standards of wage fixation. The rates of increment are low and meagre. The Dearness Allowance is not linked to cost of living index and the flat system of Dearness allowance as prevailing in the company is not protecting the employees against the steady and sharp increase in the prices of foodstuffs and other essential commodities.

5. The leave facilities enjoyed by the employees are not satisfactory. Medical facilities have not been extended to the family members of the employee. In spite of the assurance given by the management before the Industrial Tribunal, as far back as 1959, the company made no change in extending the medical facilities to the members of the family of the employees.

6. The new scales of pay introduced in other Insurance companies, besides effecting the merger of a large portion of dearness allowance with basic pay, also provide for decent rates of increments. The present wage scales of this company are not at all satisfactory. The dearness allowance should be linked to the cost of living index. There has been a substantial change in the circumstances since the previous settlements were arrived at. The financial position and the paying capacity of the company as well as the industry as a whole have improved materially entitling the workmen to claim a living wage. The previous settlements were arrived at on 'ad hoc' basis and they cannot be used by the employer as an argument or as a basis for present adjudication, against the employees. The claim statements give the basic pay of the lowest paid workman and the highest paid executive. The basic pay of the lowest paid workman is Rs. 35/- that

of the highest paid executive is Rs. 1,950/- per month. The dearness allowance of the lowest paid workman is Rs. 86.50, whereas the highest paid executive gets Rs. 350/-.

7. Some irregularities were also pointed out in the claim statements. In the case of two workmen, who joined as clerks during one and the same year, one was promoted to a higher cadre during the year 1961, while the other continues to be in the clerical cadre till date. As regards annual increments, the supervisory cadre although comparatively small in number, takes away a lion's share thus depriving the employees of their legitimate and reasonable share in the growing prosperity of the company.

8. As regards the capacity of the company to pay, it is stated that the company was started in the year 1933 with a small capital of Rs. 15,00,000/- has by sustained and steady growth earned for itself a privileged position in the General Insurance industry in India. The Industrial Tribunal in I. D. 35 of 1959 has observed that "so far as the capacity to pay or financial soundness of the Company is concerned there is no controversy. That is admitted by the Company". After setting out the profits from the year 1958 to 1967, it is pointed out that the company has not only increased the quantum of dividend paid to shareholders from 2 lakhs in 1958 to Rs. 7.50 lakhs in 1967, but also maintained the same quantum despite huge capitalisation. The revision demanded is also at set out as hereunder:

Category	Existing scale of pay.		Scale of demanded	
A. Sweepers.	Rs. 32-1-38-2-52-3-64	17	Rs. 130-5-150-6-180-7-236-	18
Cleaners.	Rs. 35-2-47-3-68-4-84	17	9-245.	
B. Peons	Rs. 35-2-47-3-68-4-84.	17	Rs. 145-6-175-7-231-9-	18
			276.	
C. Watchmen	Rs. 40-2-52-3-73-4-89	17	Rs. 175-7-231-9-285-10-	16
			305	
D. Electrician Drivers	Rs. 45-2-57-3-78-5-98	17	Rs. 210-8-242-10-272-12-	11
	Rs. 50-2-62-3-83-5-100	17	296-14-310-15-325.	
E. Caretaker.	No grade at present.		Rs. 210-10-250-12-310-	15
			15-400.	
F. Assistants at present termed as clerks and typists.	Rs. 80-5-100-7-50-145-10-225-EB-15-330	25	Rs. 250-12-310-15-400-20-540.	18
G. Senior Assistants at present termed as section heads.	Rs. 80-5-100-7-50-145-10-225-EB-15-330	25	Rs. 300-20-460-25-635	15

As regards the dearness allowance, the existing dearness allowance is set out below:

Basic Pay	Dearness allowance	Percentage of Allowance to Basic Pay.
1	2	3
32	86.50	270
35	94.00	269
40	94.00	235
45	94.00	209
50	94.00	188
65	108.00	166
80	108.00	135
86	125.00	145
111	182.00	164
216	212.00	98

9. It is contended that the scales are very low and the increments are inadequate. The scales of pay of the employees of other Insurance Companies is also given in the claim statements and it is contended that compared to those companies, the scales of pay

of this company are low. It is also pointed out that a number of insurance companies including Life Insurance Corporation have raised the pay scales by merging a substantial portion of dearness allowance, by mutual settlements. The demand on behalf of the employees is the minimum salary of Rs. 130/- and Rs. 250/- for subordinate staff and clerical staff respectively. The employees of the company should get the benefit of the new scales and this benefit can be made available to them by adjusting the existing pay of the employees after adding dearness allowance to that on point-to-point basis.

10. After setting out the dearness allowance now paid to the employees and characterising it as inadequate the demand made is to this effect: "As such, the Union demands that (i) the whole or a bulk of Dearness allowance should be absorbed in basic pay (ii) also for the future there should be a formula for automatic adjustments of dearness allowance with variations in the cost of living above a base line which should be taken as 1949=100." The dearness allowance paid by other Insurance Companies are also given in the claim statement. The employees have not been given full neutralisation for the sharp increase in the cost of living caused during the past years and the periodical increases in the allowances granted as the result of mutual settlements were too inadequate and insufficient. Overtime allowance and officiating allowance are demanded. Whenever a workman is required to act in any higher post or in any post which carries a special pay or allowance, the employee should not be deprived of the special pay or allowance on the pretext that he is in the post only in an acting capacity. The house-rent allowance demanded by the Union is 25% of the total emoluments of the employees.

11. The management should be directed to extend the benefit of children allowance to the workmen at the rate of Rs. 15/- per month, subject to a maximum of Rs. 30/-. The working hours for the staff in the Head Office and branches are not uniform. The total of 33 hours of work per week, now in force in the Madras branch of the company, should at least be made applicable to the clerical cadre in Head Office and other branches with suitable spread over between 10.00 A.M. and 5.00 P.M. Casual leave should be increased from 12 to 15 days per year. Privilege leave should be at the rate demanded by the workmen and as given by a number of Insurance Companies. Sick leave should be at the rate of 30 days per year on full pay (with a maximum accumulation of twelve months) and for a further sick leave with half-pay upto 6 months. Special leave should be allowed to the office bearer of the Unions to attend meetings of the Trade Unions.

12. Loan facilities and medical facilities are also claimed. Canteen facilities should be introduced and food made available to the workmen of the various sections of the company. There should also be staff welfare fund for amenities and sports and excursions.

13. With regard to the demand for bonus, it is stated that the company was paying bonus to the employees every year and the quantum of bonus is determined every year. There is no rational formula for determining the quantum of bonus. Bonus was paid only in terms of basic pay. As the basic wages are too low and meagre, the employees were paid less than what was their legitimate due. The bonus paid to the workmen every year should be reasonable and on the basis of working results during the past years.

14. The retiring benefits available in this company do not provide for a pension scheme and the gratuity paid is also meagre. In view of the poor basic wages of the workmen, larger contributions to provident fund both by the employer and employees will help in building decent provident fund accumulations and hence the demand at the rate of 10% of the total emoluments with equal contributions by the company. The existing rights and privileges of the employees should not be curtailed. According to the claim statement, the award should be given retrospective effect from 1st June, 1967.

15. The management filed a counter statement traversing the allegations made in the claim statements and raising the following, among other contentions: The respondent company was incorporated in the year 1933 and in view of the necessity to build up reserves, the company did not declare any dividends for a period of 13 years from the date of its incorporation. The company is engaged in Fire, Marine and Miscellaneous insurance business and the company also conducts the business of reinsurance with leading foreign companies and a substantial portion of the company's income is derived from such insurance. The expenditure of the company is limited by Section 40(C)(i) of the Insurance Act which lays down that the management's expenses should be within the limits prescribed by the sub-section. The general insurance business in India is highly competitive. There are 138 Indian and non-Indian insurers doing business in India. So far as this company is concerned, the net premium of this company which stood at Rs. 27,31,064/- in 1958 increased only to Rs. 29,45,524/- in 1966. The terms and conditions of service now in vogue for the employees of the company, they were decided by the Industrial Tribunal in its award in I.D. 35 of 1959, as subsequently

modified by settlements between the parties. By a settlement dated 22nd June, 1961, a special dearness allowance of a maximum of Rs. 25/- and a minimum of Rs. 7.50 was granted to each member of the staff, which in the next year by a settlement, dated 11th September, 1962, were increased by Rs. 20/-, Rs. 15/-, Rs. 10/- and Rs. 5/-. In and by the settlement, gratuity benefits were also increased. Again, by a settlement dated 29th August, 1964 the special dearness allowance was further increased. Subsequently by a settlement dated 11th May, 1966 the scales of pay were revised, the amount of gratuity was revised and other benefits to the staff were given.

16. With regard to the categories mentioned in the claim statements, it is stated that there is no such category as senior assistant at present and there is no reason why section heads should be called senior assistants. The work done is only that of a clerk with an allowance of Rs. 15/- a month for the additional work entrusted to him. The scales of pay demanded are grossly excessive and unreasonable. If the demand for the basic pay and dearness allowance made by the workmen are conceded, the result will be that the sweeper and clerk whose total emoluments per month are Rs. 118.50 and Rs. 188/- will be increased to Rs. 251/- and Rs. 542.50 per month. There is no justification to support the claim of the employees that the wage scales should be based with reference to the year 1949, particularly when the wage scales have been approved in 1959 by the Industrial Tribunal and the basis accepted by the Union and revised in 1966.

As regards the dearness allowance, it is admitted that it does not vary with the cost of living. It is stated that the dearness allowance paid by the company compares favourably with the dearness allowance paid in other companies, where the dearness allowance is merged with the cost of living index and there is no need to review or increase the dearness allowance presently paid to the staff, although the management has no objection to the merger of the dearness allowance. It is not necessary to fully neutralise the increase in the cost of living and the total emoluments paid in this company compares well with those paid in other similar establishments in the industry.

18. As regards the overtime allowance, it is stated that there is no reason to vary the statutory provisions fixed in the Shops and Establishments Act with reference to overtime allowance. The demand for officiating allowance is without justification and if it is decided that this allowance should be paid, then for the entitlement to such allowance, the minimum acting period of three weeks should be fixed.

19. House-rent allowance is already included in the wages and the dearness allowance paid to the employee. The claim by the workers for house rent allowance is legally unsustainable. As regards children's allowance, it is stated that there is absolutely no justification for the payment of children's allowance as in the fixation of basic wages and dearness allowance a certain number of consumption of units is assumed.

20. As regards special allowance, it is stated that there is no justification for payment of any special allowance to electrician, Lift Operator, Caretaker and Typists. Without prejudice, the management agreed to pay certain of the employees a special allowance to compensate such workmen for certain special jobs done by them.

21. On the demand for free medical aid, it is stated that all the employees of the company are now provided free medical facilities at the dispensary maintained by the Madura Mills Co. Ltd., and the Christian Mission Hospital on the recommendation of the Madura Mills Company doctor. The facilities now provided by the company at Madurai are adequate and do not need any change.

22. The reference to the supply of coffee to the company's workmen in Calcutta Branch is irrelevant as such facility had been extended to the workmen in Calcutta due to regional considerations. The facility extended to the employees of the Madras Motor and General Insurance Company is only extended to a small number of 19 employees, and it cannot be taken as a guide for extending such facility to the workmen of this company.

23. As regards the subsidy for sports, it is contended that it is a luxury which the company cannot afford.

24. Adverting to the demand for free personal accident policy, it is contended that the workmen of this company are not exposed to any greater than the normal risk of any other office employees and that no separate accident policy such as that asked for is necessary.

25. The demand with regard to Employees Co-operative Society is a matter outside the scope of the dispute and cannot form the subject matter of this dispute and this Court cannot adjudicate over it.

26. Adverting to the claim for bonus, it is stated that no bonus is payable after the coming into force of the Payment of Bonus Act, 1965 except in accordance with the said Act. Section 32(1) of the Payment of Bonus Act expressly excludes the employees employed by an insurer carrying on general insurance business from the provisions of that Act. Further, Section 31(A)(vii) of the Insurance Act controls the payment of Bonus and the Company has been paying bonus on an *ad hoc* basis with the consent of the Controller of Insurance. The existing gratuity scheme is adequate and does not require any revision.

27. Demand No. 9 relates to leave and permissions. Casual leave which is 12 days upto 15 years of service and 15 days thereafter is adequate. The privilege leave now granted at the rate of 12 days upto 5 years of service, 21 days between 5 and 20 years and 25 days over 20 years' service with the right to accumulate the same for three years is adequate. Sick leave now granted by the company is adequate and there is no need to increase or revise the leave facilities. The demand for examination leave is unnecessary as the practice now is that on the days on which the employees actually write the examination, they are treated as having been on duty. Referring to permission, it is stated that originally the workmen were allowed 24 permissions for late coming per year. As it was found that this privilege was being grossly misused for trivial matters, this was curtailed to 16.

28. As regards the claim for promotions, the contention of the management is that promotion is the sole prerogative of the employer subject to *bona fides* and as in the past the management will consider seniority-cum-efficiency in the matter of promotions, and it is not bound to consult the Union in the matter of promotions.

29. The existing working hours were fixed by the award of the Industrial Tribunal by consent of parties in I.D. 35 of 1959. The working hours of the branches are the same now as were in existence in 1959 and no change of circumstances has been alleged as to the working hours in any of these offices should be changed.

30. As regards loan facilities, it is contended that this cannot form the subject matter of this dispute and in any event, the interest charged, namely, 8-1/2%, is only 1% above the Bank rate and is not exorbitant.

31. As regards recruitment, the stand taken by the management is that the management always considered the claims of the children of retired or dead employees subject to the suitability for the appointment. With regard to recruitment of employees, no direction can be given to the company as it is entitled to have its own policy regarding recruitment. This demand cannot be the subject matter of an industrial dispute. No reasons have been given for giving retrospective operation of the award as asked for.

32. The issues for consideration are these:

1. Whether the scales of pay of the employees should be revised; if so, at what rate?
2. Whether the dearness allowance should be linked to the All India Working Class Consumer Price Index, as demanded by the employees.
3. Whether the employees are entitled to over-time allowance; if so, at what rate?
4. Whether the employees are entitled to officiating allowance; and if so, at what rate?
5. Whether house rent allowance is admissible to the employees; and if so, how much?
6. Whether the employees are entitled to children's allowance and special allowance.
7. Whether the employees are entitled to free medical aid on the basis of their demand.
8. Whether the employees are entitled to subsidy for cheap canteens and for sports and other amenities and for personal accident risk.
9. Whether the management should be directed to invest in Employees' Co-operative Credit Society, as demanded.
10. Whether the employees are entitled to any bonus; if so, at what rate?
11. Whether the employees are entitled to a gratuity scheme, as demanded by them.

12. Whether the management should increase its contribution to the Provident Fund.
13. Whether the employees are entitled to the leave facilities demanded.
14. Whether promotions and recruitments should be made in consultation with the Union.
15. Whether any change is needed in the working hours of the employees.
16. Whether the loan facilities demanded are justified.
17. Whether facilities should be made available to the Union to conduct its Trade Union facilities.
18. From what date, the benefits, if any, awarded under this award should be effective?

33. *Issue 1.*—This issue relates to the demand for the revision of wages. In I.D. 35 of 1959, there was an award when the scales of wages were revised by the Industrial Tribunal. In dealing with the dispute, the Tribunal was of opinion that the union had not succeeded in establishing any change of circumstances since the last revision of wages, or that when compared to the other insurance companies in Madras the scales of wages paid by this company could be said to be low or inadequate and there was no need to undertake any drastic revision of the existing scales of wages so far as the clerical staff was concerned. A minor revision was made by the Industrial Tribunal in addition to the then existing scales of wages, providing for payment of increment for 4 more years at a slightly higher rate, namely Rs. 15/-, as that would benefit the employees who would have put in long years of service in this company and who deserved such benefit at the end of their lives. Dearness allowance was fixed by consent in the case of certain categories of employees.

34. Afterwards, on 22nd June, 1961 as a result of direct negotiations, a special dearness allowance was granted to some categories of staff, namely, clerks and typists, record attender, peons, caretaker and driver and all building staff. Ex. M-6 is a copy of the settlement. Thereafter, on 11th September, 1962, there was increase of special dearness allowance under Ex. M-7 and gratuity also was enhanced. On 29th August, 1964, there was increase of special dearness allowance and Ex. M-8 is a copy of the settlement. On 11th May, 1966, there was a revision of pay scales, dearness allowance and gratuity in the course of a settlement during conciliation proceedings. Ex. M-9 is the settlement containing the revised scales. So, only about 2½ years ago, there was a revision of wage scales during conciliation proceedings and the settlement dated 11th May, 1966 was to be in force till 31st May, 1967. Till 31st May, 1967, the revised scales of pay were in force. The demand for revision was made subsequently. A comparative statement showing pay scales and dearness allowance prevailing in Pandyan and other general insurance companies, was filed and marked on behalf of the employees as Ex. W-3. From that statement it is clear that the maximum in the pay scale is less than the maximum in the scale prevailing in other companies. The scale of pay of the Indian Trade and General Insurance Company and Concord of India are more than the scales of pay in Pandyan Insurance Company and the United India. Hidustan General Company's pay is better than that of the Indian Trade and General Insurance Company. In I.D. 35 of 1959, it was observed by the Industrial Tribunal that the financial capacity of the company was sound. The total number of employees involved in this dispute is 110. Considering the fact that from 1959 to 1966, the increase in dearness allowance was Rs. 50/-, there is no necessity to raise the pay scales but, however, I am of the view that it is sufficient if the maximum in the different scales of pay is increased by providing for two more increments in the different scales of pay. Accordingly, the scales of pay are revised as under:

Driver :	50—2—62—3—83—5—113
Electrician :	45—2—57—3—78—5—108
Watchman :	40—2—52—3—73—4—97
Peons & Lift Operator :	35—2—47—3—68—4—92
Cleaners :	35—2—47—3—68—4—92
Sweepers :	32—1—38—2—52—3—70

In pursuance of the agreement of 1967, adjustments will be made. No further revision is necessary.

35. It is contended on behalf of the Company that the limitations have been imposed in respect of expenditure that can be incurred for payment of commission or remuneration for procuring business and expenses of the management under Section 40C. Section 40C is this:

40C (1) After the 31st day of December, 1949, no insurer shall, in respect of any class of general insurance business transacted by him in India, spend in any calendar year as expenses of management including commission or remuneration for procuring business an amount in excess of the prescribed limits and in prescribing any such limits regard shall be had to the size and age of the insurer:

Provided that where an insurer has spent as such expenses in any year an amount in excess of the amount permissible under this sub-section, he shall not be deemed to have contravened the provisions of this section, if the excess amount so spent is within such limits as may be fixed in respect of the year by the Controller after consultation with the Executive Committee of the General Insurance Council constituted under section 64F, by which the actual expenses incurred may exceed the expenses permissible under this sub-section.

"Expenses of management" means all charges, wherever incurred, whether directly or indirectly, including commission payments of all kinds and, in the case of an insurer having his principal office of business outside India, a proper share of head office expenses, which shall not be less than such percentage as may be prescribed, of his gross premium income (that is to say, the premium income without taking into account premiums of re-insurance ceded or accepted) written direct in India during the year." It is pointed out on behalf of the employees that the excess amount spent is permissible under the proviso to sub-section (1). It is also pointed out that other insurance companies governed under the Insurance Act are paying more. If the company is forced to incur an additional expenditure in excess of the amount indicated in Section 40C(1) of the Insurance Act, the company cannot be deemed to have contravened the provisions of the section, as any award passed by the Industrial Tribunal under the provisions of the Industrial Disputes Act is enforceable as against the company, notwithstanding any provision under the Insurance Act. In my view, no revision of the scales of pay is necessary, except to increase the two more maximum by providing for two more increments to each category. This issue is found accordingly.

36. *Issue 2.*—The demand of the employees is that dearness allowance should be linked to the All India Working Class Consumer Price Index and should be paid at the rate of 1% of basic pay for every rise of one point over 100 in the consumer price index. The present scale of dearness allowance is as under:

	D.A.	Spl. D.A.	Total
	Rs.	Rs.	Rs.
(A) Clerks, Typists and Record Attender. —			
Upto a basic pay of Rs. 85/-	58/-	50/-	108.00
Over Rs. 85/- to Rs. 110/-	75/-	50/-	125.00
Over Rs. 110/- to 215/-	110/-	72/-	182.00
Over Rs. 215/-	140/-	72/-	212.00
(B) Peons, Lift Operator, Watchmen, Drivers and Electrician—			
Upto a basic pay of Rs. 74/-	58/-	36/-	94.00
Over Rs. 74/- and upto Rs. 99/-	75/-	36/-	111.00
Over Rs. 99/-	110/-	36/-	146.00
(C) Cleaners and Sweepers—			
Upto a basic Salary of Rs. 74/-	58/-	28.50	86.50
Over Rs. 74/-	75/-	28.50	103.50

According to the employees, this dearness allowance is fixed without any rational and scientific basis. According to the demand of the employees, the whole or a bulk of dearness allowance should be absorbed in basic pay and there should be a formula for automatic adjustments of dearness allowance with variations in the cost of living above a base line, which should be taken as 1949=100. In the Indian Trade and General Insurance Company, the dearness allowance is fixed at All India Working Class Consumer Price Index No. 172 with suitable adjustments for rise or fall thereof. In the

United India Fire and General Insurance Company, the dearness allowance is fixed at All India Consumer Price Index No. 150 with suitable adjustments for rise or fall thereof.

37. It is admitted that the dearness allowance is fixed and does not vary with the cost of living. It is contended that even so, the dearness allowance paid by this company compares favourably with the dearness allowance paid by other companies, where the dearness allowance is linked with the cost of living index. It is also pointed out that from 1960 to 1966, the increase in dearness allowance was Rs. 58/-. Ex. M-12 is a comparative statement of Pay scales and Dearness Allowances of Clerical staff of various insurance companies in Madras region. From that statement, it appears that the total dearness allowance paid to the employees compares favourably with the dearness allowance paid by other insurance companies in Madras. It also appears from that statement that an employee getting Rs. 80/- pay gets dearness allowance of Rs. 108/- in the first year, Rs. 58 + 50/-. In the third year, that employee gets a dearness allowance of Rs. 125/-, in the 5th year, Rs. 125/- and in the 7th year, Rs. 182/- and in the 25th year, Rs. 212/-. With corresponding increase in pay, the dearness allowance is also increased.

38. I am however of the view that the special dearness allowance should be merged with the dearness allowance, as there is no necessity to have a separate special dearness allowance. In addition to that the management will pay to each employee in respect of his pay a sum of Rs. 15/- as increase in dearness allowance, in view of the increase in the cost of living. I do not think it is necessary to direct the management to link the dearness allowance to the cost of living index, as demanded by the employees. This issue is found accordingly.

39. Issue 3.—The demand is that over time allowance should be paid to the employees at double the rate of daily wages, as now being paid in the Delhi branch of the company. The employees also want a ceiling of 90 hours during a year for over time work. What is paid for Delhi region cannot be taken as the basis and the Head Office and its branches are governed by the respective Shops & Establishments Act and there is no need to make any change in the over time allowance.

40. The ceiling on overtime work cannot be fixed for any employee. This issue is found accordingly.

41. Issue 4.—The demand of the workmen is that whenever a workman is required to act in any higher post or in any post which carries special pay or allowance, the employee should not be deprived of the special pay or allowance on the pretext that he is in the post only in an acting capacity. It is pointed out by the management that for the entitlement to such allowance, the minimum acting period of three weeks should be fixed.

42. In my view, the employees are entitled to officiating allowance for the minimum acting period of 3 weeks for officiating in a higher post. This issue is found accordingly.

43. Issue 5.—According to the Union, the company is already paying house rent to a limited number of staff. The new India Assurance Co. Ltd., Oriental Fire & General Insurance Co. and Jupiter General Insurance Co. Ltd., are paying house rent allowance to their employees. The house rent allowance should be extended to other employees.

44. According to the management, the house rent allowance is included in the scales of pay and dearness allowance paid to the employees, and it is not necessary to fix any separate house rent allowance.

45. In my view, as I have increased in the dearness allowance, I do not think it necessary to grant also a house-rent allowance. This issue is found accordingly.

46. Issue 6.—It is alleged that this benefit is now being enjoyed by the Covenant Cadre of the company to an extent of Rs. 50/- per child subject to the maximum of Rs. 150/-. On behalf of the management it is alleged that no children's allowance is being paid by any other establishment in this industry. As such an allowance is not given by any other establishment, this demand is not justified.

47. The wages have been fixed after taking into consideration the duties performed by the different categories of employees. It is also alleged that the management had agreed to pay certain of the employees a special allowance to compensate them for

special jobs done by them. At present, a special allowance is paid to peons, watchmen and drivers and that the electrician, caretaker and typists are not paid any allowance.

48. There is no justification for payment of any special allowance to these workers also. There is no justification for the demand for children's allowance. This issue is found accordingly.

49. *Issue 7.*—At present, all the employees of the company are provided with free medical facilities at the dispensary maintained by the Madura Mills Company Limited and the Christian Mission Hospital on the recommendation of the Madura Mills Company doctor. Employees whose basic pay is Rs. 250/- or less bear the diet charge only to the extent of Re. 1/- per day while in the hospital. The others meet the cost of diet in full.

50. According to the management, the facilities now provided by the company at Madurai are adequate. The present facilities, it is pointed out, should be granted to the dependents of the workmen as being now enjoyed by the dependents of Senior Officers of the company. It is pointed out that the medical facilities now enjoyed works out only to Rs. 39.13 per head in a year. The management have provided reasonable medical facilities and there is no need to change the medical facilities. There is no need to change the present system.

51. The demand of the workmen in regard to the medical facilities is not justified. The issue is found accordingly.

52. *Issue 8.*—The contention of the management that the reference to the supply of coffee to the company's workmen in Calcutta branch is irrelevant as such facility had been extended to the workmen in Calcutta due to regional considerations. Further, reference to the employees of the Madras Motor & General Insurance Company Limited at Madurai being permitted the use of the canteen attached to the T. V. S. Office is not a guide, as the number of employees of that company in Madurai is only 19. There is no justification for a demand of this kind.

53. The demand for subsidy for sports and other amenities is not pressed. The employees of this company are not exposed to any greater than the normal risk of any other office employees and in any event they are covered for workmen's compensation under the Workmen's Compensation Act, and that no separate accident policy such as that asked for is necessary.

54. The workmen are not entitled to any of the benefits covered by this issue. The issue is found accordingly.

55. *Issue 9.*—There is no necessity to conduct the Employees' Co-operative Credit Society, and there is no justification for this demand. This issue is found accordingly.

56. *Issue 10.*—No bonus is payable after the coming into force of the Payment of Bonus Act, 1965 except in accordance with the said Act. Section 32(1) of the Payment of Bonus Act expressly excludes the employees employed by an insurer carrying on general insurance business from the provisions of that Act. Further, Section 31(A)(vii) of the Insurance Act controls the payment of bonus and the company has been accordingly paying bonus on an *ad hoc* basis with the consent of the Controller of Insurance and departure from this practice is not legally possible.

57. As the company has been paying bonus as per Section 32(A)(vii) of the Insurance Act on an *ad hoc* basis, no departure from this practice is called for. The issue is found accordingly.

58. *Issue 11.*—From the award in I.D. 35 of 1959, it appears that the present gratuity scheme was framed by consent. It provides for payment of gratuity on the death, disability, retrenchment, termination, resignation or retirement of an employee. The demand of the workers is that on retirement or otherwise, as provided in the charter of demands, gratuity should be paid on humane considerations. The maximum gratuity should be 20 months' salary instead of 17½ months'.

59. I am of the view that it is sufficient if the maximum is fixed as 20 months' salary, and in other respects, the gratuity scheme now in force needs no revision. The issue is found accordingly.

60. *Issue 12.*—The demand is the contribution of 8% made by the company should be raised to 8 1/3%. The present contribution paid by the company is reasonable and no case has been made to increase it. The issue is found accordingly.

61. *Issue 13.*—At present, casual leave is granted for 12 days upto a service of 15 years and thereafter for 15 days. It is not only adequate, but for employees with above 15 years of service, it is in excess of that provided under the Shops & Establishments Act.

62. I am of the view that no change is necessary in the matter of casual leave. The issue is found accordingly.

63. The existing facilities of privilege leave are:

Upto 5 years of service	12 days
Between 5 and 20 years	21 days
Over 20 years service	25 days

with the right to accumulate the same for three years. The facilities are in accordance with what is provided statutorily and there is no necessity to change it in any way.

64. So far as sick leave is concerned, the facilities are generous and the method of granting sick leave on "accrual basis" has been in existence for over two decades, and there is no justification to increase the sick leave. There is no justification for the demand for 30 days.

65. As regards examination leave, it is pointed out by the management that on the days on which the employees actually write the examination, they are treated as having been on duty, and there is no need for a separate examination leave.

66. As regards permissions, originally 24 permissions for late coming etc. per year was granted, but as it was found that this privilege was being grossly misused for trivial matters, and further that the same facility was not available in any of the other institutions in the industry, this was curtailed to 18.

67. I am of the view that the workmen should be allowed the 24 permissions per year as before. The employees are not entitled to the leave facilities demanded. The issue is found accordingly.

68. *Issue 14.*—Promotion is the sole prerogative of the employer subject to *bona fides* and considerations of seniority-cum-efficiency will be taken in the case of promotions. It is not necessary that the company should consult the employees in the matter of promotions.

69. Recruitment is also the absolute prerogative of the management. It is represented that the company will always be prepared to consider the claims of children of retired or dead employees subject to their suitability for the appointment. In the matter of recruitment, no direction is necessary to the management.

70. The demand in respect of promotions and recruitment is not justified.

71. *Issue 15.*—The working hours were fixed by the award of the Industrial Tribunal in I.D. 35 of 1959, and there was no change of circumstances to consider that it is necessary to change the working hours.

72. There is no need to change the working hours. This issue is found accordingly.

73. *Issue 16.*—Interest on loans is charged by the company at 8½%. only 1% above the Bank rates. Such a rate cannot be called exhorbitant.

74. Terms for loans now existing are allowed to continue and no change is called for. This issue is found accordingly.

75. *Issue 17.*—The main contention of the management is that the trade union rights cannot form a subject matter of this dispute.

76. With regard to leave facilities asked for to enable the representatives of the Union to meet and transact the functions of the Union. I am of the view that the parties may come to an agreement by mutual discussions and no direction can be given in this respect. This issue is found accordingly.

77. *Issue 18.*—The only other point for consideration is the date from which the award should be directed to come into force. On behalf of the workmen, it is pleaded that it should be given retrospective effect from 1st June, 1967. No reasons have been given as to why the benefits under the award should take effect from 1st June, 1967.

78. Interim relief was given to the employees pursuant to a settlement on 30th October, 1967. Taking that circumstance into consideration, I am of the view that it is sufficient if the benefits given under this award should take effect from the date of the reference, and accordingly I direct that the benefits given under this award and indicated in my findings should take effect from the date of the reference.

79. An award is passed in terms of my findings on the issues. The benefits given to the workmen under this award will take effect from the date of the reference. The management is entitled to set off or adjust against the benefits payable under this award the interim relief given to the employees in pursuance of the settlement dated 30th October, 1967. Parties are directed to bear their own costs.

(Sd.) M. TAJAMUL HUSSAIN,
Industrial Tribunal.

List of Witnesses Examined.

For the Workmen:

W.W-1 Thiru Paul Joseph.

For the Management:

M.W-1 Thiru Winfred.

List of Documents Marked:

For the Workmen:

- W-1 Comparative Statement showing year-wise total emoluments prevailing in "Pandyan" and other Insurance Companies relating to "Clerical Cadre".
- W-1(a) Comparative Statement showing year-wise total emoluments prevailing in "Pandyan" and other Insurance Companies relating to "Subordinate Staff".
- W-2 Copy of the settlement the branches formerly employees was allowed to consult print documents and take treatment.
- W-3 Comparative statement showing pay-scales and dearness allowance prevailing in Pandyan and other general?
- W-4 Statement showing the companies status of 'Pandyan Insurance Company' *Vis-a-Vis* some of the Insurance companies—I.D. 19 of 1968.
- W-5 Statement showing the relation of profit to gross direct premium in various insurance companies.
- W-6 Comparative Statement of pay scales and dearness allowances of clerical staff of various insurance companies.

For the Management:

- M-1 Statement showing the dividends paid by the company from 1946—1967.
- M-2 Statement of analysis of net premium income and net profit for the years 1958 to 1967.
- M-3 Statement of gross direct premium income and expenses position.
- M-4 Comparative statement of Gross premium income, profit etc. of selected insurers doing business in India.
- M-5 6-8-59 Copy of the award.
- M-6 22-6-61 Granting of special dearness allowance.
- M-7 11-3-62 Increase of special D.A., retirement age fixed and gratuity enhanced.
- M-8 29-8-64 Increase of special D.A., P.F. contribution and granting of special allowances.
- M-9 11-5-66 Revision of pay scales, enhancement of the special D.A. and gratuity.
- M-10 30-6-67 Effective date for examination increments modified.

M-11	Particulars of D.A. and Spl. D.A. granted to the Clerical and Typists-Staff since last Tribunal.
Series	
M-12	Comparative statement of Pay scales and D.A. of clerical staff of various Insurance Companies.
Series	
M-13	Existing service conditions incorporating the above settlements (as at 1st January, 1968).
M-14 17-5-66	Leave without medical certificate increased and change in the diet charges-recovery.
M-15 14-5-66	Caretaker monthly emoluments fixed.

NOTE.—The parties are directed to take return of their document/documents within six months from this date.

[No. 74/12/67/LRII.]

S.O. 712.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator, in the industrial dispute between the employers in relation to Messrs Vinsons, Bombay, and their workmen, which was received by the Central Government on the 4th February, 1969:

BEFORE SHRI SALIM M. MERCHANT ARBITRATOR

Employers in relation to Messrs Vinsons, Bombay

AND

Their workmen represented by the Transport and Dock Workers' Union, Bombay.

APPEARANCES :

Shri V. S. Vazirani, Partner with Shri G. R. Patankar—for the Company.

Shri R. A. Pandit, Assistant Secretary—for the Transport and Dock Workers' Union representing the workmen.

INDUSTRY: Stevedore & Dubashis Contractors

STATE: Maharashtra.

& Clearing Shipping Traveller Agents.

Dated Bombay, 28th January, 1969.

AWARD

By an agreement dated 30th April 1968, under section 10A of the Industrial Disputes Act, 1947 (Act 14 of 1947), Messrs Vinsons and Transport and Dock Workers' Union representing their workmen, agreed to refer the following specific matter in the industrial dispute between them to my arbitration:—

"What should be the normal duties of Shri D. A. Rao permanent Dock Clerk of Messrs Vinsons, Bombay, and whether the action of the management in requiring Shri D. A. Rao to work in the office instead in the docks is justified; if not, to what relief Shri D. A. Rao is entitled and what date?"

2. I may state that by written joint application of the parties the time for making this Award has been extended till 31st January, 1969.

3. After the parties filed their respective written statements before me at the adjourned hearing on 21st December, 1968, the parties at my suggestion agreed that Shri D. A. Rao, the workman directly concerned should be again examined by Shri S. C. Shethi.

Managing Director, Eastern Bunkers Limited to ascertain whether Shri D. A. Rao is fit to do the work of dock clerk. It was agreed by the parties that if Shri Sheth certified Shri D. A. Rao fit, then the company will transfer Shri D. A. Rao to the Docks within 15 days of Mr. Sheth's decision.

4. Thereafter, the said Shri D. A. Rao was examined on 6th January, 1969 and on examination Shri Sheth was of the opinion that Mr. D. A. Rao is fit to carry on the work of a dock clerk.

5. Shri S. C. Sheth by his letter dated 7th January, 1969 intimated the result of his examination of Mr. D. A. Rao to me and the same was shown to the representatives of the parties at the adjourned hearing on 11th January, 1969.

6. Therefore, in terms of the agreement recorded and signed by the representatives of the parties at the hearing on 21st December, 1968, since Shri Sheth has found Shri D. A. Rao fit to carry on the work of dock clerk, I award that Messrs Vinsons shall transfer Shri D. A. Rao as dock clerk in the docks. Under the terms of the agreement Shri D. A. Rao, in the event of his having been found fit to work in the docks was to be transferred to work in the docks within 15 days thereafter i.e., by 21st January, 1969 and this was intimated to the representatives of the parties at the hearing on 11th January, 1969 and I make an Award in terms thereof.

Messrs. Vinsons to bear costs of the Arbitration.

(Sd.) SALIM M. MERCHANT,
Arbitrator.

[No. 28(43)/68-LRIII.]

K. D. HAJELA, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 21st January 1969

S.O. 713.—In exercise of the powers conferred on the Chief Settlement Commissioner by sub-section (2) of section 34 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954) (hereinafter referred to as the said Act), he hereby delegates with effect from the 1st February, 1969 to the undermentioned Officers:—

- (1) Settlement Commissioner, New Delhi.
- (2) Asstt. Settlement Commissioner I/c, Bombay.
- (3) Asstt. Settlement Commissioner I/c, U. P. & Bihar, Lucknow.
- (4) Asstt. Settlement Commissioner I/c, M. P. & Rajasthan, at New Delhi.

the following powers of the Chief Settlement Commissioner, namely:—

Powers under Sections 23, 24 and 28 of the said Act.

2. The said powers are to be exercised subject to the condition that the said Settlement Commissioner/Asstt. Settlement Commissioners I/c shall not exercise any of such powers in relation to any matter in which an order has been made by him in his capacity as Settlement Commissioner or revise or review the orders of his predecessor.

[No. 11(1)Comp. & Prop/68.]

V. P. SUD,
Chief Settlement Commissioner.

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 7th February 1969

S.O. 714.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Small Scale Industries Organisation (Class III and Class IV Posts) Recruitment Rules, 1960, namely :—

1. (1) These rules may be called the Small Scale Industries Organisation (Class III and Class IV Posts) Recruitment (Third amendment) Rules, 1968.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Schedule annexed to the Small Scale Industries Organisation (Class III and Class IV Posts) Recruitment Rules, 1960, in the entries against Serial No. 9 relating to the post of Cleaner, in column 10, for the existing entry, the following entry shall be substituted, namely :—

“By direct recruitment failing which by transfer”.

[No. 4/6/66-SSI(C).]

O. R. PADMANABHAN, Under Secy.

(Department of Industrial Development)

New Delhi, the 12th February 1969

S.O. 715.—In the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) Order No. S.O. 274/IDRA, dated the 8th January, 1968, published in the Gazette of India dated the 20th January, 1968, as amended from time to time:

FOR

11. Shri M. A. Wadud,
Director-in-Charge,
M/s. Tata Industries Pvt. Ltd.,
Fort, Bombay-1.
26. A representative of the Ministry
of Labour.
29. Shri S. Sundararajan,
Deputy Secretary, Ministry of
Petroleum and Chemicals,
(Department of Chemicals),
New Delhi.

READ

11. Shri M. A. Wadud,
Director-in-Charge,
M/s. Tata Oil Mills Co. Ltd.,
Bombay House, Bruce Street,
Fort, Bombay-1.
26. Shri Bishnu Banerjee,
Joint General Secretary,
INTUC, Bengal Branch,
'Shramik Bhavan',
177/B, Acharya Jagdish Bose
Road, Calcutta-14.
29. Shri A. Satyanarayana,
Deputy Secretary,
Ministry of Petroleum and
Chemicals, (Department of
Chemicals), New Delhi.

[No. 24(6)/66LI(I).]

A. P. SARWAN, Dy. Secy.

(Department of Industrial Development)

ORDER

New Delhi, the 10th February 1969

S.O. 716/18A/IDRA/69.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 18A of the Industries (Development and Regulation) Act, 1951 (63 of 1951), the Central Government hereby makes the following amendments in the notified

Order of the Government of India in the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) S.O. No. 3091/18A/IDRA/67, dated the 2nd September, 1967, namely:—

In the said Order—

- (1) in sub-clause (ii) of clause 2 after the name of Shri K. P. Jain, for the existing words, the following shall be substituted, namely:—

“Deputy Director General (Food), Ministry of Food, Agriculture, Community Development and Cooperation (Department of Food), New Delhi.”;

- (2) in sub-clause (iii) of clause 2, against the name of Shri P. P. Dhir, for the words “Chief Cost Accounts Officer” the words “Officer on Special Duty” shall be substituted;

- (3) in sub-clause (iv) of clause 2 for the words “Shri G. C. Chaturvedi” the words “Shri L. K. Nagar” shall be substituted; and

- (4) in sub-clause (v) of clause 2, for the existing entry, the following shall be substituted, namely:—

“Shri B. M. Thapar of Messrs Karam Chand Thapar and Brothers (P) Limited, Thapar House, 25, Brabourne Road, Calcutta.”

[No. 9(1)Lic.Pol/67.]

R. C. SETHI, Under Secy.

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 4th February 1969

S. O. 717.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1 February 1969:

THE SCHEDULE

Sl. No.	Designation of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
1	2	3	4	5
1	IS:2596	Bulbs (lamps) for miner's cap-lamps	IS: 2596-1964 Specification for bulbs (lamps) for miner's cap-lamps	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.



S.O. 718.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for bulbs (lamps) for miner's cap-lamps, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1 February 1969 :

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit.
(8)	(2)	(3)	(4)	(5)
I.	Bulbs (lamps) for miner's cap-lamps	IS : 2596-1964 Specification for bulbs (lamps) for miner's cap-lamps	One bulb	One paisa

[No. CMD/13 : 10]

New Delhi, the 5th February 1969

S.O. 719.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, and consequent upon publication of IS: 505-1968 specification for light kalon (first revision), it is, hereby, notified that IS: 1092-1957 specification for china clay for textile and paper industries, details of which were published under notification number S.R.O. 3809 dated 18th November, 1957, in the Gazette of India, Part II, Section 3 dated 30th November, 1957, has been cancelled.

[No. CMD/13:7.]

New Delhi, the 7th February 1969

S.O. 720.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that twenty-six licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licencees to use the Standard Marks :—

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the licence and the Relevant IS: Designation
		From	To		
(1)	(2)	(3)	(4)	(5)	(6)
1.	CM/L—1885 6-1-1969	16-1-69	15-1-70	M/s. Devidayal Cable Industries, Pokhran, Valley, Thana having their office at Gupta Mills Estate, Darukhana, Reay Road, Bombay-10.	Steel wire for ropes-IS : 1835-1966
2.	CM/L-1886 6-1-1969	16-1-69	15-1-70	M/s. Devidayal Cable Industries, Pokaran Valley, Thana, Bombay having their office at Gupta Mills Estate, Darukhana, Reay Road, Bombay-10,	Steel wire for umbrella ribs-IS : 4223-1967
3	CM/L-1887 6-1-1969	16-1-69	15-1-70	M/s. Chaliha Rolling Mills Pvt., Ltd., 13, Chanditala Lane, Calcutta-40 having their office at 5 Mission Row, Calcutta-1.	Carbon steel bars for forgings, class-4- IS: 4369-1967.
4	CM/L-1888 6-1-1969	1-1-69	31-12-69	M/s. Sree Lakshmi Manufacturing Centre, Gopal Lall Sett Lane, Santragachi, Howrah-4, having their office at 113 Netaji Subhas Road, (Room No. 8), Calcutta-1.	Door closers (Hydraulically regulated) size 2-IS : 3564-1966.
5.	CM/L-1889 9-1-1969	16-1-69	15-1-70	M/s. Hind Playwood Industries, 2 Gurudass Dutta Garden Lane, Calcutta—4	Tea-chest plywood panels-IS : 10-1964.
6.	CM/L-1890 9-1-1969	16-1-69	15-1-70	M/s. New Bhishalakshmi Mechanical Works (P) Ltd, 24/5, Brindaban Mullick Lane Kadamola, Howrah (W.B.)	Domestic gas stoves for use with liquified petroleum gases-IS : 4246-1967.
7.	CM/L-1891 10-1-1969	1-2-69	31-1-70	M/s. The Ahmedabad General Engineering Works, Ambica Oil Mill Compound, Outside Gomtipur Gate, Ahmedabad-21 having their Regd. Office at 522/1, Outside Panchkuya Gate, Ahmedabad-2, Gujarat State,	Steel windows-IS : 1038-1957.

8.	CM/L-1892 14-1-1969	16-1-69	15-1-70	M/s. Jayalakshmi Fertilisers, Venkatarayapuram, DDT dusting powders-IS : 564-1961 Tankuku, West Godavari Distt. (A.P.)	
9.	CM/L-1893 14-1-1969	16-1-69	15-1-70	M/s. Jaya Lakshmi Fertilisers, Venkatarayapuram, Tanuku, West Godavari Distt. (A.P.)	Parathion emulsifiable concentrates IS : 2129-1962.
10.	CM/L-1894 15-1-1969	16-1-69	15-1-70	M/s. Jayshree Timber Products (Prop : Jay Shree Tea & Industries) Ltd., Bakultala, Middle Andamans having their Regd. Office at "India Exchange", Calcutta-1.	Tea-chest plywood panels-IS : 10-1964.
11.	CM/L-1895 17-1-1969	1-2-69	31-1-70	M/s. Dhrangadhra Chemical Works Ltd., Sahu-puram, Arumuganeri P.O., Tirunelveli Distt. Madras State.	Trichloroethylene, technical-IS : 245-1962
12.	CM/L-1896 21-1-1969	16-1-69	15-1-70	The Indian Cable Company Ltd., Golmuri, Jamshedpur having their Regd. Office at 9 Hare Street, Calcutta-1.	Thermoplastic insulated weatherproof cables (i) PVC insulated and PVC sheathed. (ii) Polythylene insulated, braided and compounded cables-IS-3035 (Parts I and II)—1965.
13.	CM/L-1897 22-1-1969	1-2-69	31-1-70	M/s. B. N. Pachal & Sons Pvt. Ltd., 33/1/1, Natabar Paul Road, Howrah-1.	Sluice valves, double flange, 200 mm, class 1 rating and 100 mm, class 2 rating-IS : 780-1967.
14.	CM/L-1898 22-1-1969	1-2-69	31-1-70	M/s. Geo Industries & Insecticides (India) Private Ltd., Valkart—Dadastreet Guntur-1	Endrin emulsifiable concentrates-IS : 1310-1958.
15.	CM/L-1899 23-1-1969	1-2-69	31-1-70	M/s. Sindichem Private Ltd., Town Sindi, District Wardha (MS) having their office at Dharaskar Building, Ramdaspath Nagpur-1.	DDT dusting powders-IS : 564-1961.
16.	CM/L-1900 23-1-1969	1-2-69	31-1-70	M/s. Sindichem Private Ltd., Town Sindi, District Wardha (MS) having their office at Dharaskar Building, Ramdaspath Nagpur-1	DDT water dispersible powder concentrates IS : 565-1961.
17.	CM/L-1901 24-1-1969	1-2-69	31-1-70	M/s. Bharat Steel Rolling Mills, Kadugodi village near Whitefield Railway Station having their office at 42/2 Silver Jubilee Park, Bangalore-2.	Structural steel, ordinary quality (1) M.S. Rounds 6 mm to 16 mm (2) M.S. Flats 25 mm to 63 mm x 3 mm to 16 mm Thick-IS : 1977-1962.
18.	CM/L-1902 23-1-1969	1-2-69	31-1-70	M/s. Artee Minerals, 15/7, Mathura Road Faridabad (Haryana)	BHC dusting powders-IS : 561-1962
19.	CM/L-1903 24-1-1969	1-2-69	31-1-70	M/s. Miniature Bulb Industries of India, 131 Kanwali Road, Dehra Dun (U.P.)	Bulb (lamps) for miners' cap-lamps-IS : 2596-1964.
20.	CM/L-1904 28-1-1969	1-2-69	31-1-70	M/s. Metal Udyog Private Ltd., Pratapnagar Industrial Area, Udaipur.	Malathion emulsifiable concentrates-IS : 2567-1963.

(1)	(2)	(3)	(4)	(5)	(6)
21.	CM/L-1905 29-1-1969	1-2-69	31-1-70	M/s. Consul Machinery, 171, Madhusudan Pal Door closers (hydraulically regulated) size 2" Chowdhury Lane, Howrah having their office IS : 3564-1966 at 167/7 Dharam-Tala Street, Calcutta-13.	
22.	CM/L-1906 29-1-1969	1-2-69	31-1-70	M/s. Agro Industrial Chemicals Company, 13- Aldrin dusting powders- IS : 1308-1958. Kalyani View, Rudrapur (Nanital)	
23.	CM/L-1907 29-1-1969	1-2-69	31-1-70	M/s. Devi Industries Plot A—133 'H' Block Cement concrete pipes with and without Pimpri Industrial Area (M.I.D.C.) Pimpri, reinforcement-IS : 458-1961 Poona-18 (Maharashtra State).	
24.	CM/L-1908 31-1-1969	1-2-69	31-1-70	M/s. Woodcrafts (Assam) (Prop: Jay Shree Tea-chest battens- IS: 10-1964. Tea & Industries Ltd.) P. O. Mariani, Dist. Sibsagar, Assam having their office at India Exchange, Calcutta-1.	
25.	CM/L-1909 31-1-1969	1-2-69	31-1-70	M/s. Som Engineering Corporation 96, B., Co- Single-phase small AC and universal electric operative Industrial Estate, Govind Nagar, motors 28 watts (0.037 HP) with class 'A' Kanpur. insulation-IS : 996-1964.	
26.	CM/L-1910 31-1-1969	1-2-69	31-1-70	M/s. U. K. Paint Industries G.T. Road, Distemper, dry, colour as required-IS : 427- Amritsar (Punjab). 1965	

[No. CMD/13 : 11.]

S.O. 721.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulation 1955, as amended from time to time, the Indian Standards Institution hereby notifies, that licence No. CM/L-412, particulars of which are given below, has been cancelled with effect from 16 January, 1969 :

Licence No. & Date	Name and Address of the Licensee	Article/Process covered by the licence cancelled	Relevant Indian Standard
CM/L-412 30-4-1962	M/s, Electrosteel Castings Limited, P.O. Sukchar, Dist. 24 Parganas, W. Bengal.	Centrifugally Cast (Spun) Iron Pressure Pipes for Water, Gas and Sewage.	IS : 1536-1967 Specification for Centrifugally Cast (Spun) Iron Pressure Pipes for Water, Gas and Sewage (<i>Revised</i>).

[No. CMD/55:412.]

S. O. 722.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS:10-1964 Specification for plywood tea-chests (<i>second revision</i>)	S.O. 229 dated 16 January 1965	Corrigenda to Amendment No. 1 April 1968	(i) [Page 3, Sl. No. (ii) under 'TEA-CHEST SIZES', second row]—Substitute '8 pieces—39×2.2×2 cm' for '8 pieces—39×2.6×2 cm'. (ii) [Page 3, Sl. No. (iv), under 'TEA-CHEST SIZES', Second row]—substitute '2 sheets—39.5×39.5 cm' for '2 sheets—31.5×39.5 cm.'	Immediate effect
2	IS : 546-1963 Specification for mustard oil (<i>revised</i>)	S.O. 1102 dated 28 March 1964	No. 1 January 1969	Bellier turbidity temperature requirement has been introduced and the limits for saponification value modified.	1 January 1969
3	IS : 550-1967 Specification for safes (<i>first revision</i>)	S.O. 287 dated 20 January 1968	No. 1 February 1969	Tables 1 & 2 have been amended.	1 February 1969
4	IS : 626-1963 Specification for bicycle seat pillars (<i>revised</i>)	S.O. 280 dated 25 January 1964	No. 2 January 1969	This amendment aims at removing the 'emergency' character of amendment No. IE of April 1966.	1 January 1969
5	IS : 628-1963 Specification for bicycle pedal assembly (<i>revised</i>)	S.O. 1760 dated 29 June 1963	No. 2 January 1969		
6	IS : 876-1961 Specification for wood poles for overhead power and telecommunication lines (<i>revised</i>)	S.O. 1267 dated 28 April 1962	No. 2 December 1968	Table II and clauses C-2.2 to C-4 have been substituted by new ones	31 December 1968

7	IS : 996-1964 Specification for single-phase small AC and universal electric motors (<i>revised</i>)	S. O. 469 dated 11 February 1967	No.4 January 1969	A new clause 3.1.1 has been added	January 1969
8	IS : 1067-1968 Specification for electroplated coatings of silver for decorative and protective purposes (<i>first revision</i>)	S.O. 3745 dated 26 October 1968	No.1 January 1969	[Page 4, clause 4.2, line 1] Delete the words 'Ag 20 and'.	1 January 1969
9	IS : 1534 (Part I)-1967 Specification for ballasts for fluorescent lamps Part I For switch start circuits (<i>first revision</i>)	S.O.520 dated 10 February 1968	No.1 January 69	(i) Table 6 has been amended (ii) A new clause 3.4 has been added.	31 January 1968
10	IS : 1550-1967 Specification for copper sheet and strip for utensils and for general purposes (<i>first revision</i>)	S.O. 2036 dated 8 June 1968	No.1 February 1969	Clause 5.1 has been substituted by a new one	1 February 1969
11	IS: 1867-1961 Specification for rubber hot water bottles	S.O. 483 dated 17 February 1962	No. 1 January 1969	(i) Clause 4.4.1 has been amended (ii) Clause 4.4.2. has been substituted by a new one (iii) Appendix 'D' has been deleted and Appendix 'E' redesignated as Appendix 'D'	1 January 1969
12	IS: 2326-1963 Specification for automatic flushing cisterns for urinals	S.O. 1760 dated 29 June 1963	No. 1 December 1968	A new clause 2.1.5 has been added	1 December 1968
13	IS: 2802-1964 Specification for ice-cream	S.O. 1253 dated 24 April 1965	No. 1 January 1969	[Page 5, Table 1, Cols 3 and 4, against Sl No. (vii)]—Substitute '100/g' for '10/g' in both the columns.	1 January 1969
14	IS : 2973-1964 Specification for bicycle steering head assembly	S.O. 2042 dated 26 June 1965	No. 2 January 1969	This amendment aims at removing the emergency character of amendment No. 1E of April 1966	1 January 1969
15	IS : 3285-1965 Specification for copper strip for electrical purposes with drawn or rolled edges (Above 150 mm width)	S.O. 4023 dated 31 December 1966	No. 1 February 1969	(i) Clause 0.3 has been amended (ii) Clause 5.1 has been substituted by a new one	1 February 1969

(1)	(2)	(3)	(4)	(5)	(6)
16	IS: 3508-1966 Methods of sampling and test for ghee (Butterfat)	S.O. 2177 dated 1 July 1967	No. 1 January 1969	Clause 13.4 has been amended	1 January 1969
17	IS: 3619-1966 Specification for wooden staves for cotton healds	S.O. 3818 dated 17 December 1966	No. 1 January 1969	Clause 3.3 has been substituted by a new one	1 January 1969
18	IS: 3829-1966 Specification for horizontal-cylindrical and horizontal rectangular steam sterilizers, pressure type (for hospital use)	S.O. 2177 dated 1 July 1967	No. 1 January 1969	Clause 5.5 has been substituted by a new one	1 January 1969
19	IS: 3830-1966 Specification for water stills for pyrogen-free distilled water	S.O. 1972 dated 10 June 1967	No. 1 January 1969	(i) Clauses 4.1 and 5.1.1 have been amended (ii) Clause 6.1.1. has been substituted by a new one (iii) Clauses 6.1.1.1 and 6.1.1.2 have been deleted	1 January 1969
20	IS: 4047-1967 Specification for heavy duty air-break switches and composite units for air-break switches and fuses for voltages not exceeding 1000 Volts	S.O. 3673 dated 14 October 1967	No. 1 January 1969	(i) Clauses 3.4, 9.4.2.1. and 9.4.2.6 have been amended (ii) A new clause 9.4.2.8 has been added.	1 January 1969
21	IS: 4064-1967 Specification for normal duty air-break switches and composite units of air-break switches and fuses for voltages not exceeding 1000 Volts	S.O. 3673 dated 14 October 1967	No. 1 February 1969	(i) Clauses 9.4.2.1 (a) and (b) and 9.4.2.6 have been amended (ii) A new clause 9.4.2.8 has been added	1 February 1969
22	IS: 4246-1967 Specification for domestic gas stoves for use with liquefied petroleum gases	S.O. 2036 dated 8 June 1968	No. 1 January 1969	Clause 15.1.1 (b) and table 1 have been amended	1 January 1969
23	IS: 4247 (Part I)-1967 Code of practice for structural design of surface hydel power stations	S.O. 287 dated 20 January 1969	No. 1 January 1969	Clauses 3.1 (d), 3.2.1 (j) have been amended and new matter added in Note 1 below Table 1	1 January 1969
24	IS: 4421-1967 Specification for melted skimmed milk food	S.O. 1367 dated 20 April 1968	No. 1 February 1969	(i) A new clause 3 has been added after 2.1 and the subsequent ones renumbered accordingly (ii) Table 1 has been substituted by a new one	1 February 1969

(iii) New item (b) has been added after clause 4.2 (a) [re-numbered as 5.2 (a)] and items (b) to (g) renumbered accordingly

- | | | | |
|----|--|-----------------------------------|-----------------------|
| 25 | IS: 4562-1968 Specification for portable chemical fire extinguisher foam type for marine use | S.O. 2766 dated 10 August 1968 | No. 1
January 1969 |
| 26 | IS: 4638-1967 Specification for seamless rectangular fish tins | S.O. 3152 dated 14 September 1968 | No. 1
January 1969 |

Clauses 4.2, 15.1 (g) and footnote with an asterisk at page 4 have been amended

(Page 3, clause 1.1, line 2)—Delete the words 'sampling and' 1 January 1969

Copies of these amendments are available with the Indian Standards Institution, 'Manak Bhavan', 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) 534 Sardar Vallabhbhai Patel Road, Bombay-7 (ii) 5 Chowringhee Approach, Calcutta-13 (iii) 54 General Patters Road, Madras-2 (iv) 117/418-B Sarvodaya Nagar, Kanpur, and (v) 5-9201/2 Chirag Ali Lane, Hyderabad-1.

[No. CMD/13:5.]
(DR.) A. K. GUPTA,
Deputy Director General.

MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, the 6th February, 1969

S.O. 723.—Whereas it appears to the Central Government that it is necessary in the Public interest that for the transport of Petroleum from the drill sites well No. B.A.F.-14 to GGS II in the Nawagam Oil Field, Kaira District in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule, annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4 in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

(Laying pipelines from BAF-14 to G.G.S.-II)

State : Gujarat

Distt: Kaira

Taluka : Matar

Village	Survey	Hectare	Are	P.Are
Kathawada	271/1	0	2	80
"	271/2	0	0	27
"	275	0	0	23
"	268/2	0	3	34
"	267/2	0	1	76
"	261/1	0	4	31
"	266/P	0	5	79
"	351/4	0	3	34
"	260	0	3	12
"	143	0	19	68
"	144/6	0	0	50
"	138/3	0	0	14
"	144/5	0	5	57
"	146	0	0	60
"	147/2	0	1	36
"	167/1	0	1	42
"	147/3	0	3	04

[No. 29/7/68-IOC/Lab(1).]

S.O. 724.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. 19, 20 and 21 to GGS II in the Nawagam Oil Field, Kaira District in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4 in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

(Laying pipeline from 19, 20 & 21 to G.G. S. II)

State : Gujarat

Dist : Kaira

Taluka : Matar

Village	Survey No.	Hectare	Acre	P.Acre
Kathawada	Road/190/2P	0	0	55
"	190/2	0	2	75
"	165/2	0	18	14
"	165/1	0	8	09

[No. 29/7/68-IOC/Lab.(2).]

S.O. 725.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. BR to BDE 29 to GGS II in the Nawagam Oil Field, Kaira District in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4 in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

(Laying pipeline from BR to BDE 29 to G.G.S. II)

State : Gujarat

Dist : Kaira

Taluka : Matar

Village	Survey No.	Hectore	Acre	P.Acre
Kathawada	292/3	0	8	53
"	V.P.Road	0	1	41
"	247/1	0	5	0
"	248/3	0	5	06
"	250	0	2	56
"	253	0	10	66
"	255/2	0	5	79
"	256	0	8	43
"	258	0	15	39
"	170	0	5	86
"	169	0	5	46
"	168/1	0	1	23
"	144/6	0	0	10
"	145/2	0	1	11
"	145/1	0	3	24
"	146	0	4	05
"	147/2	0	1	81
"	147/3	0	1	57

[No. 29/7/68-IOC/Lab.(3).]

S.O. 726.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. B.4 to GGS II in the Nawagam Oil Field, Kaira District in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4 in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

(Laying pipeline from B.4 to G.G.SI I)

State : Gujarat

Dist : Kaira

Taluka : Matar

Village	Survey No.	Hectare	Are	P.Are
Kathawada	133	0	12	19
"	134	0	9	44
"	135	0	6	65
"	150	0	7	08
"	144/1	0	0	86
"	148	0	1	92
"	149/1	0	3	39
"	149/2	0	3	42
"	147/3	0	2	70

[No. 29/7/68-IOC/Lab.(4).]

S.O. 727.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites No. 39 BQ to GGS II in the Nawagam Oil Field, Kaira District in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the scheduled annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4 in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

(Laying pipeline from 39 BQ to G.G.S. II)

State : Gujarat

Dist : Kaira

Taluka : Matar

Village	Survey No.	Hectare	Acre	P.Acre
Kathawada	120	0	0	92
"	121	0	1	31
"	119	0	13	48
"	118	0	1	13
"	123	0	7	24
"	159	0	12	26
"	158	0	18	47
"	157/2	0	13	83
"	156	0	19	50
"	166	0	4	60
"	165/1	0	1	41
"	167	0	19	50

[No. 29/7/68-IOC/Lab.(5).]

S.O. 728.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well Nos. BC-15 and BDF-38 to GGS II in the Nawagam Oil Field, District Kaira in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4 in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

(Laying pipeline from BC-15 & DBDF 38 to G.G.S II)

State : Gujarat

Dist : Kaira

Taluka : Matar

Village	Survey No.	Hectare	Acre	P.Acre
Kathawada	152/2	0	19	98
"	127	0	7	58
"	151/1	0	12	79
"	151/2	0	4	05
"	152/2	0	1	91

[No. 29/7/68-IOC/Lab.(6).]

S.O. 729.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the well No. 5 BU-10 and ND-4 to GGS II in the Nawagam Oil Field, District Kaira in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4 in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

(Laying pipeline from BU-10ND4 to G.G.S. II)

State : Gujarat

Dist : Kaira

Taluka : Matar

Village	Survey No.	Hectare	Acre	P.Acre
Kathawada	697	0	10	12
"	682	0	14	16
"	684	0	7	98
"	677	0	6	53
"	685	0	6	71
"	686	0	5	76
"	V.P..Road	0	0	75
"	407	0	2	59
"	405	0	13	04
"	388	0	2	77
"	387	0	7	08
"	379	0	2	11
"	380	0	5	27
"	381/2	0	5	06
"	381/1	0	0	23
"	382/P	0	4	46
"	372/1	0	0	55
"	372/3	0	0	35
"	372/2	0	5	43
"	371/3	0	0	33
"	370/1	0	4	74
"	136	0	8	09
"	144/2	0	9	43
"	148	0	5	93
"	147/3	0	3	35

[No. 29/7/68-IOC/Lab.(1).]

I. M. SAHAI, Dy. Secy.